

# **HEARING ON PERSPECTIVES ON HOUSE REFORM: FORMER HOUSE LEADERS**

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**HEARING  
BEFORE THE  
SUBCOMMITTEE ON RULES  
OF THE  
SELECT COMMITTEE ON  
HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTH CONGRESS  
SECOND SESSION**

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**SEPTEMBER 9, 2003**

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## **HEARING ON PERSPECTIVES ON HOUSE REFORM: FORMER HOUSE LEADERS**

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**Tuesday, September 9, 2003**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON RULES,  
SELECT COMMITTEE ON HOMELAND SECURITY  
*Washington, DC.*

The committee met, pursuant to call, at 10:31 a.m., in room Hs-13, The Capitol, Hon. Lincoln Diaz-Balart [chairman of the subcommittee] presiding.

Present: Representatives Diaz-Balart, Dreier, Weldon, Goss, Dunn, Linder, Cox (ex officio), Slaughter, Meek, and Turner (ex officio).

Mr. DIAZ-BALART. Let me welcome all of you and especially our subcommittee members from what I hope and trust was a productive August break. Now we are back and fully engaged, confronting an issue of great importance to the House and the Nation: Is our committee system structured effectively to address the critical and complex issue of homeland security?

Congress must be organized to work effectively and cooperatively with the Department of Homeland Security to ensure prevention of and recovery from future attacks. This subcommittee is studying the current House rules, including committee jurisdictions, to ensure just that.

With the anniversary of the savage attacks of September 11th just 2 days away, we are reminded of the importance of the task before us, protecting Americans at home and abroad. This is the primary reason for the existence of the government, and it must remain a focus of this Congress.

As we have previously discussed, committees are really workshops or mini-legislatures because of their vital role in processing legislation and reviewing the implementation of our laws by executive agencies. Committees carry out the important oversight function of Congress. The strength and vitality of the committee system directly affects the strength and vitality of the House.

Last Sunday, September 7th, the Washington Post carried a front page story about the Department of Homeland Security. It reported that the new Department is troubled and hobbled by many problems, including this organization's turf battles. A prime mission of this subcommittee is to assess whether our committee system is also hobbled by disorganization and too many turf battles in the area of homeland security or, alternatively, whether our House committees have sufficiently adjusted and adapted to the complexities of homeland security.

These are difficult questions. Fortunately, the subcommittee today calls upon the advice of extraordinary experts. That is what we are doing with this especially distinguished panel of former members. We are indeed honored and privileged, and I would call to the table before us our two former Speakers, Newt Gingrich and Tom Foley. Both have had long illustrious careers in the House and both are known for their intellect and deep insight regarding the important issues of the day. Moreover, from their unique vantage point as former Speakers, they were deeply immersed in all issues and policies affecting the House, including committee reorganization. As a result, Speakers Foley and Gingrich can provide this subcommittee with practical and political judgments about how the House might handle the issue of homeland security and the committee structure.

I could recount the broad experiences of each of the former Speakers, but much of that is included in materials distributed to each of the subcommittee members, and their backgrounds and accomplishments are well known. In reality, these two statesmen really need no introduction because of their extraordinary records of distinguished public service. I will simply say that Speakers Gingrich and Foley are among our Nation's most prestigious public servants. We are delighted that both of you are here to present testimony to the subcommittee. Following their testimony, we will have a second panel, a bipartisan panel as well, composed of two very well known and very talented former members, Lee Hamilton and Bob Walker.

Like Speakers Gingrich and Foley, both of these gentlemen also served with distinction in the House, each having chaired one or more committees. Mr. Hamilton and Mr. Walker were also heavily involved in efforts to reform the House and Congress in general. For example, Mr. Hamilton chaired the 1993 Joint Committee on the Reorganization of Congress, and Mr. Walker was a key member of that panel. I should note that their detailed biographies are also in the members' folders, and we welcome and appreciate the testimony of those two extraordinary former colleagues as well.

At this time, before I ask Speakers Foley and Gingrich to begin their testimony, I would like to ask my ranking member, Louise Slaughter of New York, if she has an opening statement.

Ms. SLAUGHTER. I do. Thank you. Chairman, I am pleased to be here with you this morning and to certainly welcome our former colleagues. We do have extraordinary experience and wisdom here this morning, and I am delighted to be able to draw on it. You had lengthy service in the House and distinguished work that you did for your parties admirably. It is nice to have two colleagues who were not Speakers but experts. Bob Walker, who probably knew the rules of the House better than anybody I have seen, and Lee Hamilton I hope will be here pretty soon.

In my own Congressional experience I had the opportunity to try to do some House reform under Speaker Foley's leadership. I headed up the OSR, Organizational Study and Review. And in studying the history of the House, I found that they have been trying to reform it since 1880, and it is undertaken with great trepidation and some fear. You know, there are a lot of joys and frustrations in doing this kind of work, but it needs to be done. In the Federalist

Paper No. 3 John Jay wrote, "Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first as it respects security for the preservation of peace and tranquility, foreign arms, and influence."

As we approach the second anniversary of the tragic events of September 11th, we are reminded of the great and the perpetual need to provide for the safety of our country. We spend a lot of time and energy on substantive steps to get ready to prevent future threats, and we are still continuing to consider that consideration in which procedural and structural changes in the House may be warranted. The main assignment for this subcommittee is to review whether the current committee system is effectively organized to address the issues of homeland security and, if not, how can it be improved to deal with a very significant issue.

Committees are central to the House policy process. The House has charged this subcommittee with evaluating how well our current committee structure is dealing with homeland security. Is our current system able to deal effectively with this new policy area called homeland security? If not, how much committee change is necessary and what form might those changes take? How might we implement any suggested alterations? Few people are better able to discuss this in our panels today starting with Mr. Foley and Mr. Gingrich, who understand the House, understand its politics, its procedures, its personalities, its policymaking processes. And that, gentlemen, is why we have called upon your expertise, to hear your views, your recommendations and observations about the committee system and homeland security.

As Speakers of the House, each of you bring to this hearing a distinctive perspective based on your multiple and broad responsibilities in leading the House and your respective parties. As Speakers, both of you were intimately involved in numerous matters affecting the committee systems, such as the reference of bills to committee, which is an important issue for us on Homeland Security, party ratios on committees, committee assignments, committee reform, and scheduling the legislation for consideration. We believe that your expertise will advance our thinking, and we are delighted that both of you have agreed to be here this morning, and we look forward to hearing from you.

Mr. DIAZ-BALART. Thank you, Louise.

Do any other members have any opening comments? Mr. Chairman.

Mr. COX. Thank you, Mr. Chairman.

Welcome, Mr. Speaker. Welcome, Mr. Speaker. I want to begin by thanking Chairman Diaz-Balart for continuing to take the lead in this very important task of examining the rules of the House as they relate to homeland security. The recommendations of this subcommittee will be instrumental in shaping the way in which Congress carries out its critical homeland security mission. We have an obligation under the resolution that created this select committee to report back to the full House, and this is fulfillment of that requirement imposed upon us by the Congress.

I am very pleased to welcome these two former Speakers of the House, Newt Gingrich and Tom Foley, along with former House

members and the committee chairmen Bob Walker and Lee Hamilton. These gentlemen have each distinguished themselves as extraordinarily capable leaders and public servants, and I look forward to hearing their testimony. Many of us have the privilege of knowing our witnesses personally as colleagues and as friends, and we are eager to hear your insights on this critical topic. Your collective experience from lessons learned in prior House sessions should serve as a helpful guide to the future as we work to fulfill our mandates.

As always, we approach the topic of homeland security with the utmost sense of urgency. The task of this subcommittee as it affects the full committee's legislative and oversight roles is of critical importance. Less than a year ago, President Bush signed into law legislation that created this new Department. It was all very new. It is the most sweeping reorganization of executive agencies in over a half century. Just as under the act, we have consolidated some 22 agencies, 170,000 employees. The House has taken the necessary corresponding steps in establishing this select committee and creating a special subcommittee, one of the existing number of 13 subcommittees of the Appropriations Committee. This is permitting Congress to focus the many homeland security related activities and provide clear direction for the new Department.

Because DHS is currently constructing an organization and a culture that will last indefinitely, the oversight role of Congress just now takes on a special importance. The importance and the complexity of our Nation's homeland security demands and deserves the attention of a dedicated authorizing and oversight committee. It is the purpose of this Department to prevent, prepare for, and respond to terrorist attacks, not to testify around the clock year in and year out to innumerable Congressional committees. Congress would inevitably not just interfere with the mission but indeed compromise the homeland security mission were we not to be organized ourselves in our legislative responsibilities.

The Nation deserves better. Every American deserves to know that our government is taking every reasonable step to prevent terrorism, to protect our Nation, and to save lives in the event of a terrorist attack. This cannot be a political game in which committees compete to protect their jurisdictional turf. Congress must work efficiently, with clear oversight and legislative responsibilities for the sake of our Nation's domestic security.

Finally, I note that in today's CQ there is a headline item about this hearing and about the testimony of former Speaker Gingrich, flashing back to 1994 when the Speaker proposed, as the House eventually did, consolidating committees of the House, eliminating unnecessary employees, and so on. I want to observe that conforming the bureaucracy, whether in the executive or legislative branches, to the purposes of government is the focus of our hearing today as it was our focus in 1994, and I see complete consistency in the work that we did in the House then and that we are undertaking now. And I want to thank our witnesses for your expertise. I thank the chairman once again for convening this hearing.

Mr. DIAZ-BALART. Thank you, Mr. Cox.

Mr. Ranking Member, sir.

Mr. TURNER. Thank you, Mr. Chairman. I want to thank Speaker Foley, Speaker Gingrich, Bob Walker, and Lee Hamilton for being with us today. It is a monumental undertaking to contemplate changing the committee structure in this body, and the witnesses before us today know it better than any of us from their years of experience. When we look at the fact that 14 committees in this House have a piece of homeland security, we can see how cumbersome it is for us to speak clearly with one voice to the new Department of Homeland Security. What we are looking for today from our experts is an answer to the fundamental question: should we be reorganizing Congress, the committees, in light of the major reorganization of the Federal Government? second, what are the justifications for doing so? Why is it important? And finally, I suppose with the expertise before us, what we need to know most importantly is how in the world can we get this accomplished? Because, as we all know, jurisdiction in the House and the Senate, jurisdiction equals power and influence, and nobody likes to give any of it up. So we really need your insights on how we can accomplish the task that most of the scholars that have come before our committee and the outside think tanks have all said needs to be done.

How do we get it done? That is the most perplexing and difficult challenge that we face, and we appreciate each of you coming today and sharing your experience and your thoughts with us.

Thank you, Mr. Chairman.

Mr. DIAZ-BALART. Thank you, Mr. Turner.

Mr. WELDON.

Mr. WELDON. Thank you, Mr. Chairman. It was approximately one year ago when I went before Chris Cox's policy committee and made the pitch that we should move toward one Select Committee or one actually Permanent Committee on Homeland Security. A month later, I testified before this very committee, the Rules Committee, along with Rob Andrews of New Jersey in a bipartisan effort, to create a similar committee. And it was in our reorganization meeting in November where I offered a resolution which passed the Republican Conference unanimously to authorize the leadership of the House to create a new committee. Our goal all along was to create a permanent committee that would have total jurisdiction over dollars. In fact, it was this chart that we used to show to our colleagues that I think there are approximately 88 committees and subcommittees with jurisdiction over various aspects of homeland security, totally unacceptable to the smooth operation of this new agency.

So we have laid the groundwork, and Chris Cox and Jim Turner have done an admirable job in getting this committee off the ground. But we are not there yet. We are not there yet because we don't have the jurisdiction over the dollars, we don't have the jurisdiction over the policy, and I think today is kind of like the icing on the cake because we bring in the heavy hitters, the people who I think have the credibility in both parties to tell this body that we should in fact make this committee a permanent standing committee of the Congress to deal with the issues that are before us as a Nation.

So I thank you, Mr. Chairman, for your leadership and our good friend from New York for her leadership on the minority side, and look forward to working with you as we proceed through this hearing and ultimately recommend to the full committee the path to take to create a full committee in the next session of the Congress.

Mr. DIAZ-BALART. Thank you, Mr. Weldon.

The vice chairman of the full committee, Ms. Dunn.

Ms. DUNN. Thank you very much, Mr. Chairman.

Good morning, and welcome, gentlemen. It is great to have you here with your huge amount of experience and background, all having been through the most recent reorganization ever in 1993 and 1994. I really look forward to hearing what you have to say. As I read your testimony, it seems to me that the issue came down to one of focus. And focus is what I am interested in our projecting as we work toward making this a standing committee. One of the fronts we must protect, in taking our highest responsibility to protect the people of our Nation, is the front at home. And coordinating those ground forces is the Department of Homeland Security. It was created in response to an evident need to coordinate across agencies, agencies that currently are interconnected by their similar but unique missions, to defend the American people at home, whether it be by securing borders or preparing for a biological attack or on many other fronts.

I believe that in order for the Department of Homeland Security to carry out what is the most important responsibility of the Federal Government, assuring the safety of our citizens, that we as an oversight body, that is, that Congress must present a clear and concise vision for the Department. Just as the Department of Homeland Security was created to be the authoritative voice for the national effort to secure the homeland, Congress also needs to find one voice, one voice as it does its oversight. The Department deserves to hear a unified voice from the Hill as it continues to carry out the momentous task of coordinating 22 Federal agencies. This committee, the Select Committee on Homeland Security, provides focus to our homeland security mission. Other congressional committees continue to share the burden of multiple responsibilities and touch upon areas of oversight for the Department of Homeland Security, but this committee has as its sole mission to oversee the new Department and, more importantly, to understand how it works as well as to decide how it could work better.

If we are serious about securing the homeland against scenes such as September 11th, this body must commit to provide the Department of Homeland Security with the same focused message we expect to see emerging from the Department. So we welcome all of you who are experts in the area of the reorganization of government, and we are very thankful and appreciative that you are here today to give us your thoughts and to help us come out with a frank and an open discussion about how we can carry out our mission of ensuring the safety of the American public.

Thank you, Mr. Chairman.

Mr. DIAZ-BALART. Thank you very much.

Mr. Goss?

Mr. Goss. No comment.

Mr. DIAZ-BALART. We are honored by the presence of Speaker Foley and Speaker Gingrich. Without further delay, Mr. Foley.

**STATEMENT OF THE HONORABLE TOM FOLEY, FORMER  
SPEAKER OF THE HOUSE OF REPRESENTATIVES**

Mr. FOLEY. Thank you, Mr. Chairman. Ms. Slaughter, Chairman Cox, Mr. Turner, members of the subcommittee. This is such a distinguished subcommittee, it has so many people of long experience and high rank in the Congress that it reflects I think the commitment of the Congress to this vital subject, and I don't think there is anything more appropriate than this committee's consideration of how Congress should respond to the problems of oversight and focus that have been created by the creation of the Department of Homeland Security.

Mr. Chairman, I don't have a written statement this morning. I would like to have the committee's leave to submit one subsequently.

Mr. DIAZ-BALART. Of course, without objection.

Mr. Foley. And I will just speak in my opening statement rather briefly, because I think our main objective was probably to have some dialogue here.

Let me just say a couple things. One, the committee received testimony on the 19th of May from Thomas Mann of the Brookings Institution and Norm Ornstein of the American Enterprise Institute, and I think that reflects, frankly, the very complete way, pretty much my views on the subject, and I would like to associate myself with that statement.

Speaker Gingrich and I and Mr. Walker and Mr. Hamilton have not had any specific discussions about our testimony, but my instinct is we are going to come down pretty much in the same place. And as was reflected in the opening statements of many of the members, I think, speaking for myself, that it is essential that there be a major committee, I would think a standing committee of the House, that has responsibility for authorization, for legislation, and for oversight of the Department of Homeland Security. I think there is the problem that otherwise, with this diverse universe of subcommittees and committees, 13 committees, 88 subcommittees, a majority of the committees of the House, a majority of the subcommittees of the House, I am told almost rather clear the majority of the Members of the House have some connection with one of these subcommittees or committees that would otherwise have jurisdiction. So there is not only a need to bring some focus and scope to the oversight function, but there is a critical need to avoid the destruction of members of this new Department from having to respond day by day to dozens and dozens of different requests for testimony, and that is predictable. This is a vital subject. It affects the immediate security interests of the American people, of every American citizen, and naturally it draws the strong attention and commitment of every Member of Congress. It is the subject, it is hard to think of a subject more important for Congress in its oversight function than the subject of homeland security.

Second, the Department, the largest accumulation of Federal agencies, the largest probably reorganization of the Federal Gov-

ernment since the Civil War, is not in good condition at the moment. I think it is fair to say that there are serious problems, and it is not unusual that there should be. Such a massive reorganization will I think almost eventually, inevitably I should say, create that kind of problem. But to have the new Department drift, so to speak, from a clear focused attentive Congressional oversight function would be very unfortunate.

I think in my experience there has been a—with Lee Hamilton sitting behind me, he chaired the Committee on the Reorganization of Congress, and I can remember countless discussions with Lee about the problems of reorganizing Congress. And no problem is more difficult than the problem of committee jurisdiction. Members of Congress deeply committed to their role are invested in the work of their committees and subcommittees. They gain expertise, they gain knowledge, they are involved deeply, emotionally in the work of their committees and subcommittees, and tampering with that, trifling with it creates enormous tensions in the Congress.

I think at one time Voltaire wrote a letter to Catherine the Great suggesting how she should run the Russian empire, and Catherine wrote back to Voltaire: My dear friend, you write to me on parchment paper, but when I rule I must write on the human skin and it is prickly and irritable.

Well, there is nothing more prickly and irritable on the Congressional skin than starting to talk changing committee jurisdiction.

So, Mr. Turner, I have got to say that if I had a prescription of how this could be done easily and comfortably, I would gladly share it, but it is going to be difficult. Because all of these committees, or rather departments and agencies that have been grouped together are not all of them transferred in total to the new Department. There are some—for example, the Animal Health and Plant Health of the Department of Agriculture has a function in the Department of Homeland Security; it also has a function in the Agriculture Department. The Customs Department has to do things not directly associated with the homeland security aspect of Customs that is transferred there. The Surgeon General functions are divided. So there will be the inevitable problem of how you handle the non-homeland security aspects of these agencies and departments with respect to oversight and authorization and so on. That is going to be a problem for us.

I think the work is so important that it may be that this will be an exception to the usual problem that changing committee jurisdiction or creating a new standing committee is an extraordinarily and almost impossible, difficult task. And, of course, when the rules are written next year, it is possible for those rules to contain provisions on a standing committee that would be adopted with the rules. But I will obviously sympathize ahead of time with the difficulties that you are going to have in dealing with many Members who are not going to be directly involved in whatever the new committee will be.

Second, there are decisions to be made as to how each party will fill its assignments and whether there will be an ability to serve on other committees, how the committees will be ranked by the various parties and their determination. All those things will have

to be worked out not only in the House rules but in the rules of the Republican Conference and the Democratic Caucus.

Again, if it were not so critical a problem, I wouldn't really wish it on you because it is very difficult work. But this is a department that is a function of the Federal Government that has been proposed by the President, enacted by a bipartisan majority of the House and Senate, and it is critical that it succeed, and its success I think will depend a lot upon whether there is a focused clear responsibility of Congressional oversight, and that has to include authority for appropriations, in my view. I don't think you can disconnect the money responsibility, authorizing responsibility from the responsibility of oversight. Departments take things more seriously from committees when there is the authorization responsibility connected with it.

I think at this point I am going to suspend and join you later for discussion.

Mr. DIAZ-BALART. Thank you. Thank you, Mr. Foley.  
Speaker Gingrich.

Mr. GINGRICH. Thank you, Mr. Chairman. And I couldn't help but remember when Chairman Cox was talking about when we reformed in late 1994 that Chairman Dreier in fact was the leading person in that effort. So this will not be a new topic for Chairman Dreier.

I appreciate very much the opportunity to advise, and Speaker Foley and I were chatting earlier about the notion that we can come back and advise all we want to but the real burden of implementation is on Speaker Hastert and Leader Pelosi and on your shoulders as a group, and I also agree with Speaker Foley and his comment to Mr. Turner that there is no easy and comfortable way to do this.

On the other hand, I think it is so necessary and so vital that the House will rise to its duty to the country and to future generations. What you are asking today I believe may turn out to be the most important question about the survival of this country that can be asked this year, and I don't think that is hyperbole or exaggeration. Mr. Hamilton and I served on the Hart-Rudman Commission, which spent 3 years looking out to 2025 in national security terms. And on a bipartisan basis, 14 of us issued a report in March of 2001 warning about attacks on American cities with weapons of mass destruction probably by terrorists, and calling for a homeland security agency. At the time it wasn't noticed very much in the press or anywhere, although the House and Senate to their credit did hold hearings. Vice President Cheney had begun to study the topic on September 11th on behalf of the President, and of course we ended up with the President recommending a Department of Homeland Security.

Let me emphasize the context in which you are meeting and the context in which you have to talk to your colleagues, and on which I think we would both agree and I hope that Mr. Walker and Hamilton, Chairman Hamilton and Walker would also agree that this is so important that whatever has to be done to get it done we are prepared to do what we can in talking with our friends up here on the Hill. The reason is very straightforward. We live in an age of terrorists and dictators who combine hatred for us with weapons

of mass murder that enable them to engage in total war with remarkably small numbers of people, with ideologies which legitimize killing as many Americans as possible, in a world in which the combination of global commerce and global information creates what Director Tenet has described as a gray world in which illegal transportation of people, illegal drug dealing, illegal international crime, illegal arms dealing, and illegal transportation all provide avenues for any tiny terrorist group with money. So you don't have to have a long gradual buildup of capability; you have to have enough money to walk into the right room in the right town to hire somebody who is making a living 24 hours a day, 7 days a week doing illegal things. And we have to confront how difficult it is. In addition, we have to recognize that as much as people like me are in favor of an offensive range, and I am in favor of going after the terrorists, I am going to ask Lee to put up the map of—the Central Intelligence Agency has put out a map which were given to all the Members and is available to media of ungoverned areas.

Now, the reason this map was developed was to make the point, if you talk about no sanctuaries and you know that in Paraguay there is a town in which Hezbollah has operated in for 20 years, and they have found that the production of counterfeit CDs creates a higher return on capital than coca, and so they produce millions of CDs in this little town. And you go around the planet, and you discover—this is a very sobering map which all of you will have a copy of, I hope you look at, because part of what it says is no matter how good our offensive sight is, no matter how good our intelligence and our national security, in the end prudence requires that we plan on responding after we hit, because something someday somewhere will leak through. And that requires the Department of Homeland Security. And I think it is more dangerous than anybody has yet dealt with publicly.

Let me give you an example. In my own planning coming out of the Hart-Rudman process and the work I have done since then, my assumption is that 80 percent of the danger is biological, 19–1/2 is nuclear, and a half percent is chemical. And I really emphasize the biological because it is very hard to find, it can be done in an area the size of a kitchen. The scale of biological knowledge that is exploding on the Internet makes it easier and easier for people to learn how to do it, and the downside is horrifying. We all focus on smallpox. Smallpox is dramatically more containable than an engineered flu. And if you go to the Centers for Disease Control and ask them what would the impact of an engineered flu be like, it is horrifying. Now, remember, a smallpox attack in three towns in the dark winter war game where Senator Nunn played the President at the Johns Hopkins produced a million dead and 3 million ill. And that was considered a modest attack. I asked one Nobel Prize winner, what could we expect if we had a genuine engineered virulence, and he said 50 percent casualties would be reasonable. I said that would be 145 million. He said, yes, but I won't say that publicly because I have no solution.

I think something on the 80 million level is probably the right worst case. But in any case, if you think about how we reacted to 3,000 on September 11th, biological threats are horrifying. And that is why we react to anthrax, that is why we react to SARS. We

have this deep internal sense that this is personal and really dangerous.

And so then you have to say, all right, how do we respond to threats on this scale.

Now, we can in fact dramatically improve our health system, we can dramatically improve our provisions for recovery, we can dramatically improve our control of the borders. The President, working with the Democrats and Republicans in a bipartisan way, recognized that this required bringing 22 agencies into one department. And I think he deserves a lot of credit, because again Hart-Rudman can propose, we didn't have responsibility. But this President responded and the Congress in a bipartisan basis responded. But if we could have back up again Mr. Weldon's chart—his was prettier than the one we brought—I think it is really important to look at this and I think it is a chart that every Member of the House should look at.

The Washington Post had a very good story Sunday about the difficulties of homeland security. And I agree with Speaker Foley, there are exactly predictable difficulties. They are the problems you would expect with this large coming together. But the closing part of that article talked about the difficulties of reporting to Congress. And I think it is impossible for any Member of the House to go home and say this is adequate, this is rationale, this makes sense.

Now, we all in the legislative branch, and certainly the Speaker and I spend our careers cheerfully doing this, we all explain to the executive branch regularly why it is inadequate, wasteful, foolish, badly run, and then bristle immediately if anybody in the executive branch suggests to us maybe the legislative branch occasionally needs to rethink how it works. But 88 committees and subcommittees for one department? By one count, 412 Members of the House serve on a committee or a subcommittee with some right to jurisdiction. 100 of the Senators. I mean, not a single Senator is left without an opportunity to ask Secretary Ridge what he is doing. Now, that is just an absurdity, and it is a violation of our survival requirements.

And let me point out, these are not theoretical problems. In the last week, the Washington Times reported on a North Korean defector who had proof of using human beings in biological tests in North Korea. And in the last 10 days, Newsweek reported that bin Laden has an active biological program. Now, they may be exaggerated but they are in a direction that is totally believable to everyone that I know of.

My suggestion is first that you have to have a single standing committee, that I would recommend that the Speaker and the Democratic leader jointly with their leaderships announce now that in the next Congress they are committed to having this committee, because I think the current committee has to be planned. I don't think you can wait until December of next year to make decisions. And so I think at the earliest date this Congress, this House has to make clear there will be a standing committee, it will have real authority. I would agree with Speaker Foley, and this would be truly a bold step, that if you could find the will to give that committee both authorizing and money power you would have truly changed the system and you would have changed it in the right di-

rection for the right reasons. And this is about life and death. This is not theoretical; this is about life and death.

In addition, I want to suggest to you, because there are legitimate concurrences. Much of homeland security is dual use. The first responders, after all, spend most days putting out fires or dealing with police work or being emergency ambulance systems. They don't spend most days dealing with homeland security crises. It is fair to say that the health information technology for homeland security will actually dramatically improve our daily health behavior, and in fact I have written a direct comparison with Eisenhower's interstate highway system which was originally described by Eisenhower as a system to help people get out of cities in case of a nuclear war. There was a National Defense Highway Act. And I would think we actually need a National Defense Health Information Act along the same line. But that system will improve every doctor, every laboratory, every nurse, every hospital on a daily basis. So there are going to be overlaps.

My recommendation is that the House also create the pattern in the next Congress of adopting a resolution on the opening day which instructs the executive branch on who has to report where. And the reason I say that is if you sit down today—and it probably should come out of the Rules Committee. But if you sit down today and you just ask every department, who do you have to go testify to and who do you have to answer inquiries from, it is a cacophony. And I think we have some obligation to organize the Congress in parallel with organizing the executive branch. And I know that is very risky even for those of us who are not here but used to be to come back up here and say, we actually have to look at ourselves as well as cheerfully look down the street at the executive branch.

But in the case of homeland security, it is going to some day be literally life and death. And I think we all want to be able to look back and say to our children and our grandchildren we did the right thing, not we did the easy thing. And I am confident that with this hearing you have started that process, and I am very grateful, Chairman, that you would invite us and allow us to come and share with you.

**PREPARED STATEMENT OF NEWT GINGRICH, FORMER SPEAKER OF THE  
HOUSE OF REPRESENTATIVES**

Mr. Chairman and members of the Subcommittee:

I appreciate the opportunity to testify today on the gravest threat to our survival since the height of the Cold War. This challenge has already required the most significant transformation of our government since the National Security Act following World War II when President Truman established the modern unified military organization in 1947.

After the attacks of September 11th, 2001, President Bush correctly determined that 22 domestic agencies needed to be coordinated into ONE department to protect the Nation against threats to the homeland.

Instead of matching the President's decisive consolidation and rationalization, Congress continued with a total of 88 Congressional committees—including subcommittees—with some sort of piece of the Homeland Security jurisdiction puzzle as shown on this chart. By one estimate, at the end of the 107th Congress, the membership of those 88 committees and subcommittees included all 100 Senators and 412 House members. This is an obvious absurdity—if everyone has a voice, no one is responsible.

We know from experience that this kind of diffusion does not work. For example, the Department of Energy, which was created during the last big Federal reorga-

nization in 1977, only answers to 17 committees and is still considered “a model of how NOT to make a department.”

I am going to assert the survival imperatives of establishing a permanent Committee on Homeland Security with a clear primary jurisdiction over the Department of Homeland Security. To understand why it is a survival imperative, I am going to focus on the broader mission of keeping America safe from terrorism and why your task is so urgent today. Congress cannot meet its constitutional responsibilities unless it shows the same courage as the President in forcing through a real reorganization that does not entangle the Department of Homeland Security in a web five times more complex than the Department of Energy deals with. It is urgent that Congress also reorganizes its own structure now.

The Rules Committee is asking THE key questions about the future of the United States and the role of the Congress in securing that future.

How big a threat or threats do we face to our homeland?

How important is Homeland Security in defeating that threat or threats?

What is the role of Congress in ensuring that America survives despite these threats?

These three questions have to be answered before the detailed question of how the House organizes itself for Homeland Security can be answered.

In this testimony I hope to convince you that designing and implementing an effective Homeland Security system is the most important challenge facing this Congress in the next decade. In fact being effective at Homeland Security could prove to be literally a matter of life and death in terms of the security and freedom we have grown accustomed to as Americans. Life and death is not a rhetorical term. It is conceivable some of the threats of the 21st century could kill many times the 3,000 who were killed on September 11, 2001. In fact, given certain biological threats it is conceivable even millions of American lives could be at risk. This emerges from a historically-based study/ies of biological threats in past eras of epidemic outbreak.

This risk of potentially losing millions of Americans and even having the very fabric of our society torn apart is why there is no issue or problem for which Congress must organize and allocate time and resources which is more important than creating an effective system of Homeland Security. Let me explain why this is true.

Three developments have come together to make the next quarter century particularly dangerous for Americans.

First, science is leading to the development of weapons of mass murder that could kill far more people than anyone can currently imagine. In particular the biological revolution which is so dramatically changing healthcare and agriculture is also creating the potential to dramatically increase the capacity to create weapons of mass murder. The threat of large-scale death has been estimated at 80% biological, 19 and a half percent nuclear, and only about one-half of one per cent chemical.

Only by examining the history of new diseases in unprepared populations can we begin to understand the horrendous threat that is emerging but still largely ignored. The flu epidemic of 1918 killed more Americans than the entire First World War. The introduction of new diseases shattered the Aztec and Inca civilizations after the arrival of the Spanish. Hawaiians may have lost up to 90% of their population to new diseases. Some North American tribes lost up to 96% of their people in specific villages.

Even in populations that had historically experienced disease the right circumstances have created shattering impacts. The plague of 1348–49 killed up to one-third of the people in European cities it hit.

The threat of biological warfare is reinforced by the steady spread of nuclear weapons. North Korea is militantly preparing to test nuclear weapons and is very likely to sell them once they exist. Pakistan has a significant number of nuclear weapons and if the current government is replaced by a militant Islamist regime there is no guarantee some of those weapons won’t be sold or traded to America’s militant enemies.

It is vital that the Congress and the country understand how real and how imminent these threats are. September 11, 2001 has to be a wake up call that leads us to understand how bad the next attack could be.

Second, the threat of weapons of mass murder is being intensified by the rise of an anti-American hatred that is stunning in its language and ferocity. If you read MEMRI’s routine translations of reactionary Islamist hatred and condemnation of the United States you will understand where the large and growing pool of homicide bombers is coming from. Americans were described as “cannibals eating the flesh of their Islamic opponents” in one recent Egyptian newspaper column. The routine legitimization of killing women and children is a staple of many Islamist clerics.

This level of hatred for the United States is partially linked to our support for Israel but it is even more deeply linked to our culture. From an Islamist perspective the very existence of a country in which women vote, drive cars, appear in bathing suits, work on their own and circulate freely among men is a mortal threat to their way of life. Some American elites consistently reinterpret the Islamist rhetoric to find some way to "get along" with people who hate our values and our way of life. This is a profound error.

We will "send the bodies of American troops and civilians home in wooden boxes and coffins," Osama bin Laden has vowed. "We don't differentiate between those dressed in military uniforms and civilians. They are all targets."

An article published on a website connected to Al Qaeda shows their continuing determination to acquire nuclear and biological weapons titled "Nuclear Warfare is the Solution for Destroying America."

The man held by Indonesia for his role in the devastating October 12, 2002 Bali blast that ripped through a packed nightclub killing more than 190 people told the chief Indonesian investigator Major General Pastika that he wanted to "kill as many Americans as possible" in the attack.

We have to assume that these people actually mean what they're saying. Americans feel more threatened than their allies do because Americans have been attacked and Americans continue to be openly threatened. The fact is Americans ARE more threatened than their allies. Osama bin Laden did not talk of millions of dead Europeans or Asians. He did talk of millions of dead Americans.

It is the combination of dictators of remarkable brutality combined with an ideology that seeks the destruction of America and the death of millions of Americans that makes the near future so dangerous. Consider the sheer brutality in the world around us. From chopping off children's arms in West Africa, to killing more than 300,000 Iraqis under Saddam while using rape and torture as routine instruments of state policy, to misallocating resources so that the average height of North Koreans has shrunk several inches through malnutrition and the population lives on the verge of starvation, there are examples today of stunning brutality and savagery. To think that there are groups and governments who would not be willing to kill millions of Americans if they could is simply to hide from reality.

The greatest threat to us is not directly from dictatorships themselves but from their ability to arm and educate terrorist groups into more effective actions against the United States. Hurting America and killing Americans distracts us and creates the opportunity for a more secure future for a network of dictators who routinely trade and work with each other.

Third, this deadly mix of terrorists, dictators and weapons of mass murder is made more immediately threatening by the rise of a global system of information and transportation. Director of Central Intelligence George Tenet has described a "Gray World" of people smuggling, narcotics trafficking, traditional international crime, illegal arms deals, and illegal international transportation. This Gray World is the dark side of the stunning increases in standard of living, communications, and transportation that have marked the modern world.

The Gray World is available 24 hours a day, 7 days a week. It is self-financing and highly profitable. It attracts smart, aggressive people who often have more resources and always have more agility than the public bureaucracies that try to stop them.

The rise of terrorists with weapons of mass murder is moving the Gray World from a police matter to an issue of national security. The existence of the Gray World makes it possible for a very small terrorist group with enough money to acquire or rent the transportation, cross border access, and weapons needed to be very dangerous to us without having to develop an independent terrorist infrastructure.

This combination of weapons of mass murder—especially biological weapons—with dictators of stunning ruthlessness, an ideology that hates America and whose members would rejoice at the death of millions of Americans and with the Gray World that could help them move around the planet, makes the next quarter century as threatening to America's survival as anything we have faced in our first 230 years of existence.

This threat requires a strong focus on defense because it is impossible for us to be certain we can find and defeat the terrorists in our borders.

I strongly support a worldwide campaign against dangerous dictatorships and against terrorists who seek to destroy freedom and to destroy America.

I strongly support pre-emption as a doctrine and believe it is impossible to deter dictators like Saddam Hussein or Kim Jong-Il and terrorists like Al Qaeda.

However the mathematics of the threat make it unlikely that a focus on offense will eliminate all potential attacks on America with weapons of mass murder.

There are five reasons America has to build a strong defense and assume that even the best offensive efforts worldwide will probably block most threats but not guarantee our safety:

1. Biological weapons can be created in areas the size of a kitchen. It will prove to be very, very difficult to find biological threats and preempt them.

2. Even with more easily detected nuclear threats, the determination of our opponents to study us and to share with each other their new techniques is creating a system of denial and deception which makes it harder and harder for us to know what is going on. After a half century of studying North Korea, there is remarkably little we know for certain about that dictatorship. The rise of inexpensive tunneling and underground construction is making denial and deception even easier. Just as Iraq was much closer to a nuclear weapon in 1991 than we thought, it is likely that some of our opponents will succeed in hiding developments from us.

3. We have not yet come to grips with how interlocked our opponents and even some of our semi-allies are. There is a seaside village in Iran set aside for recreation by the large community of North Korean engineers working on the Iranian weapons programs. There has been a decade or more of interchange between Pakistan and North Korea on missile and nuclear weapons development. Serbian generals briefed Iraqis on the lessons of Kosovo. Across the planet there is a network of organizations and regimes that see America as a threat and who loosely but effectively cooperate to try to contain or defeat us. We insist on single country analyses (e.g., what is North Korea up to) and have had a remarkable lack of systematic analysis of the various axes, alliances and networks that are building momentum to arm themselves against the Americans.

4. There are ungoverned areas of the world which are so numerous and so difficult to penetrate that there will almost certainly be effective sanctuaries for terrorist organizations. It does no good to speak of "no sanctuaries" when there are areas in which local governments have no control. An unclassified map from the Central Intelligence Agency that outlines the rural areas around the world in which there is little or no government shows just how formidable a challenge this is going to be. It is inconceivable that the United States will invest the resources to police all these areas. Therefore, there will be de facto functional sanctuaries in which terrorists will be able to hide. This map actually understates the areas of ungoverned sanctuary because it does not include the vast sections of third world cities in which no effective government prevails. This map both helps explain why it is so hard to find Osama bin Laden and Saddam Hussein and is a useful reminder of why even the best offensive strategy will need a powerful defense.

5. We should be chastened by our inability to stop people smuggling and illegal drug smuggling. If we have several million illegal immigrants crossing our borders annually and if all our efforts to stop cocaine and heroin have slowed but not stopped the flood of illegal drugs, Why should we assume we will be more effective in stopping clever, persistent, thoughtful, determined dictators and terrorists who study us and exploit all our weaknesses?

For all the above reasons we must have a strong defense in the form of an effective, well resourced Homeland Security system.

Our working assumption must be that sooner or later a weapon of mass murder will be used in an American city.

The Homeland Security system must stop as much as it can but even more importantly it must be able to recover and reconstitute American cities or even American society after an attack.

If we are fortunate, this will prove to be a waste of money and nothing terrible will happen.

If we are unfortunate, this will prove to be the margin of survival for millions of Americans and for America as a free society.

The first step is for the Congress to educate itself about the threat of weapons of mass murder, terrorism and dictatorships. Every member of Congress should participate in war games at the National Defense University Congressional Wargaming Center to get some sense of how serious things could get and how rapidly they could become worse.

The second step is for Congress to set metrics of tolerable risk and necessary reaction. If an engineered flu appeared tomorrow morning, how many American lives are we willing to lose for budgetary or bureaucratic reasons? If we are serious about saving lives then we will have to be much more serious about developing the biocommunications system that Secretary Ridge, Secretary Thompson and the Center for Disease Control have outlined.

The third step is for Congress to understand how deep and serious the coming changes are in existing bureaucratic structures. Simply housing organizations together in a Department of Homeland Security was exhausting in its own right yet

it is only a first step. Congress—working with Secretary Ridge—must develop metrics of effectiveness and then force continuing change in structures and activities until the metrics are reached.

The fourth step is to recognize how much of Homeland Security is a function of dual use. First responders spend virtually all their time on policing, fire fighting and similar vital but not national security behaviors. The time and resources needed for a national security crisis in our homeland have to be layered on top of existing activities without hindering the hard work already undertaken. In a crisis, our health system will be dramatically stressed but it is already working hard every day saving lives. The offensive system of overseas preemption is already stressing some of our National Guard and Reserve units and yet Homeland Security will have to place even greater responsibility on these organizations. Thus Homeland Security will inevitably involve a substantial overlap with existing activities and organizations and thus with existing committee structures and budgets.

All of these considerations lead me to believe the House will need a permanent standing Committee on Homeland Security. The House will need to establish jurisdictional leadership within that committee in order to create an effective Homeland Security. At the same time the House will discover a number of concurrent jurisdictions as other Committees engage in legislative oversight of the normal, daily operation of institutions that have important jobs to do in addition to their homeland security role.

Finally the House and Senate are to be praised for establishing appropriations subcommittees for Homeland Security. The House should also establish a subcommittee of the Budget Committee focused on Homeland Security. This issue is such a matter of life and death that the Budget Committee should ensure it has adequate resources for Homeland Security before considering any other budgetary matters.

Here is a simple test for the Congress: Pass a joint resolution that lists the only committees that Secretary Ridge is required to appear before and the only committees that can require testimony in secret and the only subcommittees that can provide money. It would be humiliating for the Congress today to pass a resolution that lists 88 committees and subcommittees. It would be absurd on the face of it to say that Tom Ridge has to report to all 88—yet technically that is the present situation. So Congress should—in public—respond to the Nation and explain exactly what it expects of the executive branch by organizing itself in a way so the executive branch can have an effective relationship with Congress.

It is vital that everyone recognizes that our individual lives and our life as a nation are being threatened in horrifying ways that require new thinking and new efforts. President Bush and the executive branch have shown real leadership in responding to these new threats. Now it is time for the Congress to show equal leadership in reorganizing the legislative branch for the war on terror and for homeland security. Now is the time to protect our future, our lives and our children's lives.

Mr. FOLEY. May I correct the record, Mr. Chairman?

Mr. DIAZ-BALART. Yes, sir.

Mr. FOLEY. Before I am the subject of a small doll by the Appropriations Committee. I was trying to emphasize, Newt, that it is important to have a standing committee that can authorize appropriations, not just a committee to have oversight functions. I am not quite ready to suggest that the Appropriations Committee not have a role in the Department of Homeland Security. So I hope that is clear. Thank you very much.

Mr. DIAZ-BALART. I appreciate that clarification. I had understood that, but I think it was important to clarify.

We have, as you know, been tasked with making a recommendation, this committee, the select committee, to the Rules Committee by September 30, in other words, in a year, 2004, with regard to this issue. And then the Rules Committee may act, and obviously the House may then act at the beginning of the next Congress pursuant to those recommendations.

This committee, obviously neither the subcommittee nor the full committee, have formed an opinion with regard to this matter as of now. I appreciated Speaker Gingrich's suggestions with regard to—and I ask for any others, Speaker Foley, with regard to what

we might be thinking of doing now with a view towards what our task is in a year. We recognize that we will have to make that decision at some point. I mean, we know at what point. What kinds of things could we do in addition to simply discussing the seriousness of this matter with our colleagues now, in case this committee does reach the decision to make a recommendation with regard to making the select committee a standing permanent committee?

Mr. FOLEY. Well, I would like to sort of endorse Speaker Gingrich's suggestion, that I think there needs to be if possible a consensus between the leadership of the two parties about how this will be approached in the next Congress regardless of which party is in the majority. And in the meantime, I think it very important to develop through the Speaker, the president Speaker, Speaker Hastert, some kind of system of coordination in terms of what will be required from the Department during this session of Congress. I think that should be begun as soon as possible. Otherwise, I suspect that, as we don't know what the future may bring and pray to God it doesn't bring any immediate additional serious threats to the country, the activity of the Congress is predictable in this area: It is a matter that is of such concern to the public that I can't imagine the committees aren't going to take the opportunity and subcommittees of other committees to call members of the Department of Homeland Security, Mr. Ridge, Secretary Ridge and others, all the assistant under secretaries from time to time, at a time when they need to be able to have their primary focus getting the committee in order.

So some focus of oversight is vitally necessary. But also, the other side of the focus is that we can't have, I think, without very serious consequences just an open season on the leadership of this Department by every committee and member that would like to have an opportunity to put them on record in front of a camera, to be blunt about it. I understand that instinct, because it is a matter of such great concern to the public as well as to the Congress, but it is very dangerous.

Mr. DIAZ-BALART. Speaker Gingrich, any thoughts on what we can be doing now?

Mr. GINGRICH. I want to echo I think much of what Speaker Foley just said. Let me start by saying the two articles I cited from the last week about the biological threat, dozens more that you can find where al-Qaeda talks about plans, et cetera. I think it is important to have a sense of urgency. And so I would urge you to make the decision in principle on a permanent standing committee by this September 30th, not a year from now, and try to get the leaders of both parties to announce that decision in principle now.

Second, I would urge you to, as I think this is appropriate for you and Chairman Cox to coordinate, but there ought to be a deliberate monitoring of the Department of Homeland Security interactions with the House, and once a month review that and then, as appropriate, urge the Speaker to issue modifications in authority. I mean, if it turns out that various and sundry subcommittees for whatever reason, I am not going to prejudge their motives, but for whatever reason are causing a level of diversion of executive leadership from the Department of Homeland Security, then it seems to me in relatively real-time you ought to be prepared to think it

through, modulate it, and say, wait a second, this is why we have a select committee, or these are the three subcommittees that you need to report to on that topic. But some of that ought to be going on right now.

Third, it seems to me you ought to have staff reviewing the Department of Homeland Security legal responsibilities and the overlaps that Speaker Foley earlier referred to, and look at sole lead and joint jurisdictions in a way that you could begin to prepare something which I think would take longer, which is now that we have agreed we are going to have this standing committee what is the exact nature of the reallocation of the authority and power to that committee? And that ought to really be driven by an interaction with the Department of Homeland Security leadership, looking at what is reality. I mean, what do we really have to deal with? Which things are primarily homeland security, which things are only incidentally homeland security? And I think that can be sorted, with all of it having some concurrent jurisdiction with the new standing committee, but with clearly Chairman Cox I think would report, they have more than enough big fish to try that they don't need to worry about a lot of secondary issues that they might have an interest in knowing about concurrently that are more appropriately in other departments.

Mr. DIAZ-BALART. Thank you.

Ms. SLAUGHTER. Well, I am sorry, gentlemen, I had to leave. I had a previous engagement this morning, and I am so sorry I had to go. I am happy to be back.

I think probably most of us have indicated that at one time or another we had experience trying to consolidate committees, and we know how important it is. But this is the first time that Congress has ever tried to consolidate a committee to oversee a department that is really not set up yet, and that makes it extremely difficult. How do you think that concurrently, while they are struggling to put one together with the potential of 170,000 employees and a number of agencies to go? Do you see some kind of transition period where people who are presently overseeing, let us say, Customs and INS would continue to do that for a period of time? How in the world could we do it? It seems to me almost to be an insurmountable problem to try to do our work here to try to set up a particular committee when we don't yet have a department really to oversee.

Mr. FOLEY. Just quickly, I would think the best thing is, as Speaker Gingrich has said, is if the committee could accelerate its work, make a recommendation for the establishment of a permanent committee of the House, standing committee of the House in the next Congress. While that may be difficult to do, I think it would be the best solution. I think the longer you delay the organization of a single responsible committee, the more you are going to fail to provide the necessary oversight at a critical time as the Department is going through these birth struggles and pangs in trying to bring the Department into a cohesive and effective organization. I don't think it should be delayed; I think it should be, if possible, accelerated. But, again, we recognize the difficulties of doing that.

Ms. SLAUGHTER. Well, if I had my druthers, I think the FBI and CIA would have been in there. It seems odd to me to have an agency known as Homeland Security without the intelligence agencies in it. And how much influence the committee could have in determining what is in the Homeland Security Department would seem to me would be another question that we ought to ask ourselves that we have not gotten around to.

Mr. FOLEY. Well, the committee ideally I think should have legislative jurisdiction, obviously, as well as appropriations authorization jurisdiction. But the Speaker has standing authority to make decisions, to co-refer or to subsequently refer legislation to other committees. He can handle these problems as they develop. There obviously with the departments that are split, agencies that are split, some of it being in Homeland Security and some of it outside, I would think the traditional committees that have the oversight and jurisdiction over the part outside the Department should continue to exercise it.

Mr. GINGRICH. Ms. Slaughter, I think you asked an extraordinarily important question. I think I would say, to echo Speaker Foley, that the sooner the Congress makes clear the lines of authority, the easier it will be for Secretary Ridge to actually organize what he is doing. And I would have a very simple principle: This particular committee is really not about any normal function. This committee is about what does America have to do to minimize the danger of attack, to accelerate the response to that attack, and to recover after such an attack. And I think the committee should have a very focused effort in that direction, and then should have overlap with the normal daily operations of a number of other committees that are in fact dealing with an agency for other kinds of activities. But this core mission of the Department of Homeland Security really is life and death, and I think that the committee should be focused very intensely in that direction. And you raised a good point, which is, after a year or two, once we have finished reorganizing—it is a huge job that Secretary Ridge has undertaken, and he needs the Congress' help to get it done. Once we see what we need, it may well be that there are other modifications, if there is a Homeland Security Department, to legislation that Members will decide has to tweak the system or reshape the system. I think that is one of the things you want to make sure that this committee could come back and recommend to the House if they found that to be necessary.

Ms. SLAUGHTER. I found in discussions in whole, we talked yesterday to some people from home, first responders, they don't think we are getting much done here. And I don't know how the general public feels, whether they concern themselves with it at all, but I do think that psychologically there would be a lift by knowing that Congress has some idea of what we are going to be doing. And I think that Secretary Ridge has an extraordinarily difficult job and sort of inventing himself as he goes along. But it is so easy here to create something and so difficult ever to change it. So we do want to proceed with some caution, I think.

Mr. GINGRICH. Can I just say for a second, as I occasionally do maybe get myself in trouble here.

Ms. SLAUGHTER. That is OK. I do it all the time.

Mr. GINGRICH. I really think that one of the arguments to your colleagues in the House is that we have an obligation to prove the legislative branch can be as firm on itself as we want to be on Secretary Ridge or the executive branch, which is the natural pattern of this process which the Founding Fathers designed deliberately. And by that, I mean, every time somebody starts to make a speech about how Homeland Security isn't really up and running as well as it should be, ask them if they are prepared to have a standing committee. I mean, don't start talking about how the executive branch has to get better organized until the House is better organized. And I think that is a fair step. I mean, not that I am asking you not to criticize whatever is happening at the Department of Homeland Security, but I am saying we need to have a clear mechanism to be able to have oversight, to have hearings, to have reportings in a timely and efficient manner so that Secretary Ridge knows who he is working with, who can help him, and who he has to report to on the legislative side of our constitutional system.

Ms. SLAUGHTER. I think we have to be cognizant of the fact though that it may take us years to really get this in the shape that we think that it ought to be in, with lots of fits and starts.

Mr. GINGRICH. If I might, it probably will take us years to get where we want to get to, but we have to also be cognizant that the terrorists may not give us years. And I think we have to have a sense of urgency based on our enemies, not on our friends.

Ms. SLAUGHTER. I know. Thank you.

Mr. DIAZ-BALART. Mr. Linder.

Mr. LINDER. Have we bit off more than we can chew? We have got pieces of Judiciary, Customs, Coast Guard, Transportation. I don't know why the Agriculture people who have been watching our borders can't keep doing that. We tend to in this government overreact to everything, and I am beginning to wonder if it is time for us to, between now and next September, do some just tweaking the system. I think the most important thing they have to do is giving us intelligence so they can get the intelligence to the right location—the threat in Phoenix is not going to be the same threat in Las Vegas—and build a communications system where they can share this information. But it is a huge bureaucratic monstrosity.

Mr. FOLEY. Can I make a comment?

Mr. LINDER. Sure.

Mr. FOLEY. I have a somewhat jaded view of major reorganizations of governments. I think unless they are very well thought out and unless the stakes are very high—and they are obviously very high in this case—that to move the agencies of the Federal executive branch around in great measure and degree to get a little better symmetry on the table of organizations is a mistake, because the impact on Federal agencies when there is a major Congressional reorganization effort under way is generally to freeze decisions, to make administration more difficult, to make dramatic efforts to solve problems more hazardous. And, very frankly, people want to wait until the dust settles and find out whose department they are going to be in, whose under secretary they are going to be under, whose assistant secretary and deputy assistant secretary and bureau chief they are going to report to. And it tends to sap energy in the executive branch, confuse roles, and make it more

difficult to achieve the purposes for which the organization was supposed to function.

Mr. FOLEY. This is a decision that has been made and we presently have a Department of Homeland Security. I am sympathetic, sir, with your suggestion that maybe it should be tweaked a little bit. But again, that is something that ought to be done, if it is going to be done, sooner rather than later. I think a long process of kind of tinkering with the structure of the Department will not perhaps be helpful in getting the Department focused and orderly and functioning. And again, it is important that people who work in the Department of Homeland Security know that the Congress is ready to support and to give meaning to the oversight function in a way that is responsible and orderly. And I think that will be helpful to them in taking care of the difficulties of this large an organization coming together.

I agree with, again, Speaker Gingrich. This is a challenge for the Congress. And I think it is not going to be well received in the country. There is no partisan here. Both parties are engaged in this effort and are committed to the purpose. But if the stories are—if the Department of Homeland Security cannot get organized because they are being driven crazy by requests from 88 subcommittees to come to the Congress and testify on particular matters of minute jurisdiction and then, when before the subcommittee or whatever, the whole process of review of their functions goes over and over again and the inquiry gets out of hand, if that becomes a public controversy in the press, it is going to cost credibility not only in the Department but in the Congress. And again, I think the public has a right to expect that this, being so serious a subject, that both branches will work hard to make it function well.

Mr. GINGRICH. Mr. Linder, I think you asked the key question about the evolution of what we are trying to do, and if I could respond based on the 3 years we spent in Hart-Rudman and try to describe what I think is the ideal Department of Homeland Security. It is, first, intelligence and prevention. I think you put your finger on a key part: Can we block something bad from happening defensively inside our own country? Second, ensuring that the capability exists for response, recovery, and rehabilitation; setting the standards and monitoring to make sure that those capabilities exist. But it is, third, whenever possible, contracting out and co-ordinating those capabilities. For example, the Northern Command in the Department of Defense is a significant piece of this. The National Guard component of that is a significant piece. Health and Human Services and the Centers for Disease Control and the Public Health Service have a significant piece of this. The U.S. Department of Agriculture in terms of its food inspection, which historically been the most successful on the entire planet. And then, finally, the cities and States who are going to have an ongoing everyday first responder, where Chairman Weldon has had a great personal relationship with firefighters and knows we are going to be relying on volunteers and professionals at the most local levels.

I don't think you want to create an empire-building process at Homeland Security. You want to define very clearly what its mission is, and wherever possible with this setting, the standard and monitoring, you want those missions executed by the agencies,

which is why the concurrency problem is going to be a very real one. There are clearly going to be overlaps and you have to think through where we leave jurisdiction back in the normal daily authorizing committee and where is the lead on making sure the homeland security component is being met in the new Permanent Homeland Security Committee.

Mr. LINDER. One of the biggest challenges was in the 96 Olympics where we had all the jurisdictions of policemen and none of them could speak to each other. So how do you reach Roswell, Georgia and say you have got a problem there? The first challenge is to put together a communications overlay that can reach the right place. And I still think that the principal role of this Department is going to wind up being intelligence and handling of analysis. We don't want a national police force.

Mr. DIAZ-BALART. Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman.

Speaker Gingrich, I think you may have offered a suggestion that is perhaps one of the best, and that is because of the difficulty of reorganizing the committees in the Congress and the complexity of the task of this effort, that obviously the beginning first step is a declaration by the Speaker and the majority leader and the minority leader that we will have a new committee. And if we get the leadership committed to that, then everybody begins to think what it should look like instead of whether or not we can keep this from happening. Because it does seem like when you get down to specifics, the reorganization may not be nearly as threatening to other committees as you might initially envision, because as you pointed out, Speaker Foley, the functions of that Department are part homeland security but a whole lot of those functions are traditional activities of the agencies that were brought in. And it certainly seems that it would be reasonable to consider that those non-homeland security activities could remain in the traditional committees.

It also seems clear that we may need to go through the process of looking at the functions of the Department as currently divided and organizational plan that is set out in the Homeland Security Act, and maybe certain offices could be clearly specified as being within the oversight jurisdiction of a particular committee. For example, we all know that there are a lot of folks that clamored to get on the Government Reform Committee and yet one of the benefits of Government Reform is that that committee always said we have jurisdiction over everything that goes on in the government. Just this month, the Government Reform Committee is having over a dozen hearings where it will bring in people from the Department of Homeland Security for oversight. And perhaps some of the management of computer technology functions within that Department, maybe that should be clearly within the jurisdiction of Government Reform as it does that do not relate to that core homeland security activity that Speaker Gingrich described.

But the task can be accomplished. It is going to be a more complex and require more detailed study and decisionmaking, and the Rules of the House may contain more specificity on this realignment than we have been accustomed to in the past, but it is clearly a task that is going to take at least a year to accomplish. And until there is a declaration that it is going to happen, it is unlikely that,

as we all know, that the time and energy that is necessary will be devoted to the task.

So I appreciate particularly that suggestion, Speaker Gingrich. Every outside group and expert that we have brought before this committee has been uniform in their recommendation that this occur. And perhaps, Speaker Gingrich, would it be reasonable to ask maybe that you and Speaker Foley think about putting together maybe a letter from all of these folks that we have had before this committee, and others you may know, appeal to the Speaker and minority leader to make this decision so this will happen? I think the outside objective voice here is probably critical to making this happen.

Mr. FOLEY. Well, I certainly agree that the suggestion that there be a declaration is a very good one. I think that is something that will put aside the question of whether or not but how it will be done. I would argue that the sooner it can be done, the better. I think if you have a declaration and it hangs out there for a year, the concerns about how we will actually be exercised and how it will actually be formed will fester and you may get more anxiety in the House as a result of that than, if you were, as the old saying is, would have done if it was done quickly. Also if it can be done in the time between now and the organization of the next Congress, the adoption of the rules is an excellent way to bring about the establishment of a committee, because those are rules to which the majority is committed and would, hopefully with the support of the minority, whatever that correlation may be in the next Congress, is something that can be done. And if we are faced with the reality that it is going to happen, then I think it might be possible to work it out as long as a year. But whatever it takes, I think it is important to make the commitment and to go forward. And it is important to have as much bipartisan consultation and support as possible at the leadership level and among the membership generally. And I think we will be interested. I can't speak for Newt, but I sense we would be interested in doing whatever we can to encourage others to encourage the leadership in both parties to undertake that.

Mr. GINGRICH. I want to emphasize what Speaker Foley just said. It is very important that it be a bipartisan statement and that both Speaker Hastert and Leader Pelosi feel comfortable in issuing the statement jointly. That it be a commitment so that no matter which party is in charge in the next Congress, this is over.

And in response to your point about some committees seeing opportunities for more hearings that might necessarily fit their jurisdictional needs in the future, there ought to be some way for members of the—for Cabinet officers to appeal informally to the Speaker for more guidance in some of those things. I am not trying to put a burden on Speaker Hastert. But it does seem to me in the period that Mrs. Slaughter described as one of real change, real transition, and real uncertainty, that to have a Cabinet officer who is trying to defend the country also having to figure out—we are hard enough to understand when we are the insiders and talking to each other. And for somebody down the street to figure out, out of the following 22 requests, which ones do I have to go to, which ones are going to bite me if I don't go? And I think we owe them

some guidance in real-time this fall and that can be done both informally and done by the authority of the Speaker, particularly if it is done on a bipartisan basis with consultations where both the leaderships agree this is a reasonable road map.

I would hope that this subcommittee would take a little bit of the bit in its teeth and use this September, rather than next September, as a deadline for the specific question: Should there be a standing committee? The details take longer to work out. But getting the Speaker and Leader Pelosi to agree to that and announce it, I think is a huge step in the right direction and should be taken immediately.

Mr. DIAZ-BALART. We welcome the chairman of the Rules Committee who has joined us, who is also distinguished member of this subcommittee, and would ask if he has any comments or questions at this time.

Mr. DREIER. I have just been over in the Senate testifying before the Judiciary Committee on the issue of the continuity of Congress and the proposed amendment and actually alluded to both of you on that question. So I am sorry that I have missed the testimony. I know people always come in and say that, but I will say if there is—are they done, is this it—I was just going to say if someone else had an exchange.

Well, I look forward to your remarks. I will look at your remarks. I will say that I am predisposed, obviously, to thinking very hard about establishing another committee. You know, Mr. Speaker—actually both of you, Mr. Speakers, you remember a decade ago with the man sitting behind you, Mr. Hamilton, and I had the privilege of co-chairing that Joint Committee on the Organization of Congress, and we had a difficult time implementing the Hamilton-Dreier proposals a decade ago that dealt with some of the challenges that we had. And I recall the Senate and the House, we had 237 committees and subcommittees. And the old joke was if you saw a Democrat whose name you didn't know, it was, "How are you doing, Mr. Chairman?" because chances are he or she chaired some committee or subcommittee.

So I have always been predisposed towards fewer rather than more committees. Obviously we want to enhance the deliberative nature of the institution. But you know, I just think it is very important.

And I just heard your final remarks about the issue of taking it on and making a decision and a recommendation on it. Obviously that is what the subcommittee that Mr. Diaz-Balart and Mrs. Slaughter are working on. But it is no secret that I am predisposed to fewer rather than more committees. But obviously I am open to hearing any remarks as to how we might be able to deal with it otherwise. So I thank you both for being here. You never come and testify before me, but you do for Mr. Diaz-Balart.

Mr. GINGRICH. May I comment? I did, in fact, in your absence recount the role you played, particularly in 94, and trying to do as much as you could do to slim down the House rather than expand it. The point of my earlier testimony was this is the only potential standing committee which really has the defensive obligation that could involve millions of lives. And for the House to have not some centralized authority monitoring the Department of Homeland Se-

curity and creating an effective, secure relationship I think would be an enormous mistake and one which literally could over the next decade result in us having a tragic loss as dramatically greater than September 11. This is an unusual case. I don't think you are going to see me come up here and testify about new standing committees, but this is a very unusual moment in our history.

Mr. DREIER. And that is very, very important. And I didn't see Bob Walker there on the other side who is an important member in this effort, too.

Mr. FOLEY. We share views, without distinction.

Mr. DREIER. Great to see both of you.

Mr. DIAZ-BALART. Mr. Meek.

Mr. MEEK. Thank you, Mr. Chairman. I really appreciate coming before or being on this subcommittee, and we hear from quite a few people. I believe Mr. Turner mentioned the fact that we all agree, usually when we get in here, about what we should do, what we need to do, and how we have to get there. Not only have you as past distinguished Speakers—and even the panel behind you—a number of years experience, but I am concerned about is we have a terrorist event, another one, if we are going to legislate in haste, we are going to start slamming things together after the fact, talking about who didn't do what, why something did not happen.

And even on a full committee level, as good Chairman Cox tries to pull answers and response out of the Department, it is kind of like we may see a deputy secretary, and we may not see him or her again ever in this particular Congress, due to the fact that they are running to one of the number of committees, whatever chairman can carry the largest threat to get them there. Meanwhile, back at the ranch, the American people assume we are doing the right thing, we are pulling ourselves together and governing in a responsible way.

And while we are in this war of the executive branch, no matter if it is Democrat or Republican in the future, this Congress carries the voice of the American people from many different corners of this land that we protect and serve.

So I believe the leadership call that both of you seem to have good consensus on, on calling the House leadership together, Democrat and Republican, saying we have to move forth now, we have to make a commitment now—because serving on this Homeland Security Committee, when something does happen they are going to look at me and everyone else on the committee and say, What have you been doing? And meanwhile back at the ranch, the other committees are going to look at us and say, see, we really need to dissolve this select committee and need to get back to functioning the way we were functioning in the past and maybe we can prevent this lack of organization that we have.

So the pivotal question is not if the American people are ready for a standing committee; but the question is, can the leaders come and say we are ready for a standing committee? I think past leadership in this room today, and present leadership obviously in this building and under this dome, are going to have to come together on behalf of the American people and say this is the right thing to do. Yes, some feelings will be crushed, but I think it is important that the Department has keen—not keen but direct direction from

this Congress. Executive branch will be making decisions when decisions need to be made.

So the more that we continue not only to talk about it, the more we have consensus from the outside of saying this needs to happen. We can have editorial writers write, but I think legislative leaders carry a lot more weight coming in, saying we govern and we have governed under haste before in a time of emergency.

I think we now celebrate a time of somewhat calm waters, and rough in some areas, of making sure that we can make sound decisions and not do it in haste. And I think those chairmen and chairpersons that have jurisdiction over the Department now would appreciate that now versus trying to do something in 30 days and trying to respond to whatever poll that might have come out saying that the Congress is not doing their job.

I really don't need a response. I wanted to make that statement because it is almost like we are on the bench, all of us here, literally, and saying, Coach put me in the game, allow me to go in and do the things that we need to do on behalf of the American people and help this Department that is trying to organize itself. We are the leaders. So I think that is important.

I know I said I didn't want a response, but maybe you want to point to some instances, if you would have had time as legislative leaders, to do something right to go back and fix, because you had to respond in a timely manner to be able to protect this country. Maybe that can serve as some fuel for us to deal with the leadership again.

Thank you, Mr. Chairman.

Mr. DIAZ-BALART. Thank you. Would you like to—

Mr. GINGRICH. I think you have summarized it as about aspectly as anybody could have. That is where we are. Either the leadership does it right or it is going to be in the doldrums until there is a crisis and people are going to wonder why we didn't do it right. I do think there are moments when the Congress does look at the Armed Services Committee when they reorganized the Defense Department, which was, after all, a real change. There was a Navy Committee and there was a War Committee. And the chairman of the Navy Committee called us in from Georgia, and had been one of the longest-serving Members of the House and had enormous power. He also ended up as being chairman of the Joint Services Committee. But I think that will be a perfect example to look at where the Congress reorganized itself to match up with the reorganization of the executive branch.

Mr. DIAZ-BALART. Thank you Mr. Meek. Mr. Weldon.

Mr. WELDON. Thank you both for coming in. After talking over the past year to the bulk of the House and looking at the vote in the conference, Republican Conference, which was unanimous, I don't think the problem is with the Members. In fact, I would say that the overwhelming majority of the Members on both sides of the aisle want a standing committee.

You know where the problem lies. The problem lies with the chairman and ranking members of the individual committees, because this is going to involve committee jurisdiction issues, and that is where I think—I mean, if we are going to be honest about this, that is where the convincing has to take place.

The point that was made here about perhaps a joint statement by people as distinguished as yourselves is extremely important. But I think the rank-and-file members are ready for this. We wouldn't have had a unanimous vote in the conference. We wouldn't have had Democrats come out and speak openly on this. The problem we have is to convince the committee chairs and the ranking members that that this is good and, in the end, is the right thing we have to do for the country.

But I want to also get to the point about how do we reorganize. I am not sure that we reorganize this committee in the totally proper way, or the agency itself in the proper way. And that is why I think additional work is needed. And both of you said that the committees have to look at where the jurisdiction should ultimately lie. I would suggest that perhaps a role that you both could play would be to co-chair an effort, perhaps working with some of the—some of the distinguished think-tanks in the city to look at jurisdictional issues, because you have led this body and led it for us over the past 10 years. And there are a number of ideas of ways that we can organize the homeland security jurisdiction-wise that are not now being addressed.

Let me give you two. Our good friend mentioned communication. It is the number one problem we have in the country today. We do not have an integrated domestic communication system. I work with these people every day. It is a hodge-podge. Now, why can't we solve that? Is it simply getting the appropriation to buy more radios? Well, the bulk of the first responders are volunteer, so that is not an easy thing to do. It is more than that. It is the fact that we can't get the frequency spectrum allocation dedicated for public safety. We have no jurisdiction. That is under the jurisdiction of the Energy and Commerce Committee. Yet we can't get that communication system for the first responders because there is not enough frequency spectrum needed for their megahertz range to give us that coordination to help the entire country. So we are currently battling. Jane Harman and a bunch of other Members are leading the effort with Billy Tauzin to free up frequency spectrum allocation to give us the integrated system that we have to have in order to protect the homeland.

Let me give you a second instance. I am convinced that the bulk of the problem with threats of weapons of mass destruction come out of the former Soviet states. After all, it was the Soviets under Communism that spent billions of dollars on weaponizing biological agents. It was the Soviet Union that spent billions of dollars on weaponizing chemical agents. The bulk of the research was done within the Soviet Union. The nuclear war—we just visited a site over the break. First time ever a delegation went into Krasnoyarsk-26 underground nuclear complex where the Soviets developed all their plutonium. They have tons and tons of plutonium stored there that any terrorist would love to get their hands on. We can do all the work here at home that we want, but if we got containers of plutonium sitting in a storage site in a mountain in Siberia that the Russians can't really protect, are we really protecting the homeland? We have no jurisdiction over those issues. We have no jurisdiction over the programs to go in with those agencies and in

those areas where chemical and biological weapons were developed, which is a target of terrorists.

The terrorist organizations are going after the former Soviet sites because that is where the capability exists today. They don't have to develop anthrax or smallpox because that was done by the Soviet agency as outlined by Ken Alibek in his book "Biohazard" when he was number two over there.

Part of our problem I think is going to be how to determine what the final jurisdiction of this standing committee should be. We don't want to be too large because then we are not effective, and yet we don't want to miss key components which are important for homeland security. So I would suggest to you that perhaps—and this is just perhaps off-the-cuff—perhaps the two distinguished Speakers could lead a bipartisan effort in coming up with a laundry list of suggested ways that we can deal with the jurisdictional issues which are at the heart of this problem. It is not going to make you friends with a lot of committee chairs. So we are asking you to help us bite the bullet.

Mr. GINGRICH. Would you like to bite first?

Mr. FOLEY. My colleague and I will discuss this. But we certainly agree that there needs to be some action taken, and anything we can do, we would like to do that. I would be willing to do whatever we can.

There is a great deal of thought that has been given to these problems outside in think-tanks and other organizations in this city, research organizations, and I think that can be helpful to the committee in its decision in the future. But ultimately the responsibility has to be taken by the leadership and by the committee chairmen and ranking members, as you said, as—and I tend to agree with you that the membership itself is going to be largely in favor of this, but I wouldn't underestimate the concern of the individual Members, too. They will probably vote on the record for this. But there will be some heartbreak as you are deprived of a jurisdiction that some Members may think properly belongs to the existing order of the committee structure. I don't want to overestimate it, but it is the most difficult problem I think I had as Speaker in personal terms, in terms of the relations between Members, was handling the conflicts over its committee jurisdictions, referral of bills, the fights between—this is all basically in my party at the time, not so much with the Republicans.

Mr. DREIER. We have it now.

Mr. FOLEY. It is sort of natural. Members have invested—not for bad reasons, not for showboat reasons, they know the subject matter, they work hard at it, they invest their time and study and their commitment to it, and suddenly the investment of that time, effort, study and work is being removed as irrelevant when some other committee organization is being advanced. And so it is natural that there should be a sense of loss and resentment.

And Speakers, I will say, occupy a very high office and a very powerful one, but when they come up against this kind of problem, you realize suddenly that there are limitations and that the Congress essentially is a body that is collegiate, and has to be, and has to function on the basis of some kind of consensus. And sometimes on some of these issues the consensus doesn't come easy.

Mr. GINGRICH. You made three points that are I think central. First, getting us directly involved, which I think reminded me of the old Baptist saying of "You have gone from preaching to meddling." But I think Speaker Foley put it right: There is a matter of life and death for individuals, and potentially for the country. And obviously, particularly if Speaker Hastert and Leader Pelosi ask us to, we are going to do anything that is helpful to the Congress because we think that this is so vital.

Second, I think the precise reason for getting an early statement that there will be a permanent standing committee is that you move the chairman and ranking member from trying to convince them that it is good to trying to convince them it is a fact. People react psychologically very different when they are accommodating reality than when we are arguing over potential futures.

Third, I think the jurisdiction issue is actually fairly easy in principle. The principle ought to be that this is a mission-driven jurisdiction; that is, when there are questions of activities that are uniquely homeland security, protection, response, recovery, rehabilitation, this committee ought to have either sole or lead jurisdiction. But it ought to have the right to claim concurrent jurisdiction over problems as they impinge on homeland security. And the reason I say that is, this year the problem may be an issue of how do you change spectrum, the next year the issue may be one dealing with agriculture. We can't tell in advance where the intelligence trail and where the threat is going to take us. So I would look at sole or lead jurisdiction for anything which is directly tied to protection, response, recovery and rehabilitation. And I would look at some concurrency, not necessarily the ability to take the lead, but the ability to force action on any topic that is determined by the committee to be a matter of homeland security issues in terms of life and death.

Mr. DIAZ-BALART. Chairman Cox.

Mr. Cox. Thank you, Mr. Chairman. Where Chairman Dreier just was lies the other larger part of this organizational problem, over on the Senate side, and I think we ought to pause and take stock of how much we have already accomplished in the House. It was the House that first decided—I was there in meeting with the President—that we have one authorized and one appropriated, and that was a pledge that the Speaker and the President took jointly, that the Speaker would work for this. When the Speaker talked to me about chairing this committee early on, he made clear that it was his intention that this be a permanent committee. When we passed H.Res. 5 in the House, it very clearly gave not just oversight but authorizing jurisdiction to our committee.

And so right now this select committee, which by its nature is temporary in life, is already beginning to do the work that we are talking about here. We have been authorized to go out and put together the same complement of staff that other standing committees have. We just this week are moving into our new offices in the Library of Congress where we have space for 78 full-time staff. We are attracting, just as is the Department of Homeland Security, the kind of expertise that is necessary to address this new discipline.

Homeland security is all about sharing. It knits together a variety of disciplines that never before were conceived of as one. And

so while we have experts in nuclear weapons or biothreat or chemical or border security or what have you, we haven't had the kind of renaissance discipline that is necessary to make homeland security work, and in fact the organizational challenge has been to take missions which were sometimes at the margin, sometimes somewhere in the center of an overall piece of an agency's jurisdiction, and piece them together with other complements that lie elsewhere in the executive branch.

It is like the old Alfonse and Gaston routine where the ball drops between the center fielder and the right fielder and they all watch in the stands. We have now redefined the mission and there is now a centerpiece of that mission. We are going to have here in the House by the end of this Congress a truly expert staff that complements what they are building over at the Department. As you know, the staff director, Doctor John Gannon, was one who, like you, was there before 9&1. He talked about the Terrorism Commission and the threats that you pointed out. Doctor Gannon as the chairman of the NIC, wrote the report that said that al Qaeda could fly airplanes into the entire buildings in Washington, the White House, the Pentagon and so on. We had that information beforehand. These people are now working here in the House of Representatives.

I want to make one other point, because Congressman Meek raised this and he is absolutely right. There are 88 committees and subcommittees included with the Senate. And it is true that witnesses from the Department are called elsewhere to testify and they are testifying in too many places and they have too many masters. But here in the House, one of the functions of the select committee has been to coordinate the request by House committees, and it is working fairly well. We have eight full committee chairman on the select committee, and those times when a committee wants to assert its own oversight jurisdiction over the Department, we have had joint hearings with the select committee so as not to replicate it, and all of the requests from the House are coming through our committee and we coordinate that with the Office of Legislative Affairs.

And I want to ask you therefore about how, if we have a clear direction, the Speaker has a goal, and we have a resolution that requires us now to take the next step and consider how in September of 2004, how do we deal with this on the other side of the Capitol, because we are going to have a bear of a time conferencing legislation and so on if we don't get the Senate to act as well. We led them on appropriations and they followed. Now we are leading them on authorizing, and will they also be made to follow?

Mr. FOLEY. Well, if I can jump in here, Mr. Chairman, I think one of the two bodies often takes the lead. My recollection is that the Senate established an intelligence committee before the House and the House followed. And for a time, the Senate Committee on Intelligence was the only existing organization of that kind in the Congress. I think each body has to make its own judgment, obviously, but in part, it is not only important that it be able to do so, but because it has to structure the institutions of its committees to the culture of the body. And there are two absolutely unbelievably different bodies.

I used to, as I was saying before getting to the table here, I served with George Mitchell, the majority leader of the Senate, and he used to have a couple of phrases like "99 is not enough," and that he had the best developed patience muscle in Washington. He didn't have, Mr. Chairman, a Rules Committee, and he constantly complained—he had a Rules Committee but it had an entirely different function.

So we have to make a decision on this side. And I think the wisdom of the decision to establish a single responsible committee will impress itself on the Senate.

Mr. GINGRICH. It may surprise you, but one of the things you learn, or at least I learned by being Speaker, was to have greater respect for the authentic uniqueness of the Senate, and that it really is different and it was designed by the Constitution to be different. If the House does the right thing, two pressures will emerge immediately. The first is that lots of Senate committees will find they are conferencing with one highly informed, effective House committee and will begin to drive them nuts because they won't have the overlapping information that will be centralized in the House.

The second thing that will happen is that the CQ or National Journal, Hill or Roll Call, will publish a chart that will show the Senate's X number of committees and subcommittees and the House's new committee. And that chart will exist about a week before Members of the Senate at their Tuesday lunches will begin chatting with each other and say, We have to do something. It may be a 2- to 4-year lag, but it is going to happen, and it may happen faster than you think. They are very aware I think in the Senate of how serious a threat this is, and they can't go back home and say we did nothing.

And I think that is another reason why if the Speaker and the leader were to announce this fall that this was going to be a permanent committee, you would see a dramatic acceleration of evolution in the Senate, watching the House lead the way on this one.

Mr. DIAZ-BALART. Ms. Dunn.

Ms. DUNN. Thank you very much. I think first I want to compliment you, Mr. Speaker, because of your written testimony and the clarity that it showed. And, David, I hope you have a chance to look at it. It is really important because it brought back to me the reason why I wanted to take time from all my other responsibilities to serve on this committee, because we have to bring focus to this effort. And we are living in a new world today.

And I just wanted to say one other thing to you, Congressman Hamilton, and we will have a chance to question you after your testimony, but I very much enjoyed having the opportunity to serve with you and Bob Walker and David Dreier on that phenomenal restructuring committee when I first came to Congress as a freshman, not knowing what I was talking about but learning a lot in a short time; at the suggestion of our Speaker, going to call on all the chairmen and the ranking members of all the committees to get their sense as to how we can make changes.

So to some extent, I share Chairman Dreier's inclination to keep that committee structure as controlled and minimal as possible. But I think in this case my worry about something else is far

greater, and that is something that has come up in the written testimony of a couple of you. That has to do with the way Congress has a static setup. And I am very fearful that the Congress is not able to respond as well as it needs to be in the modern Information Age when criminals are all over the world and hidden in those places that Speaker Gingrich talked about, where we can't get a grip and can't really be expected to solve the entire problem. But I really think it is important now to look at the potential of the standing committee that is going to focus on these problems and focus on the vulnerabilities and the threats of vulnerability and try to plug those holes.

So in this case, I think it is vitally important that Congress do as we are doing in this hearing today and as we have been doing as part of our committee in the last 8 months to get very focused on our goals. I very much like the idea, Mr. Chairman, of having this group sit down with the Speaker and the leader and talk to those two people about an early decision and an early announcement that we will become a standing committee so that we can focus all of our incredible abilities on this committee and the whole committee as one toward making this happen and making it happen appropriately.

We may not be able to solve the problems in the Senate. I mean, we fought over that in our committee 10 years ago. That is something that we don't control. I agree that a good standard and a good example will lead to actions on their part. I just really, really feel it is important for a standing committee to come out of this. I hope that the four of you will decide as a group that you are willing to sit down with the leader and Speaker, and Chris and I and Jim Turner will be happy to go to our subcommittee and committee members to decide and discuss how important this is to make this decision right now. Otherwise I think our focus—I think we are dissipated in our energies and I don't want to see that happen.

I mean, my thinking over the last few years as I watched Congress in general, it makes me fearful in lots of ways. In the past we had plenty of time to talk about whether we should have an energy committee or whether we should do away with three major committees. I don't think it would have happened out of the Joint Committee on the Organization of Congress, because you had a new committee chairman and they were willing to go along with these changes. It is very, very hard. I think the irony of the whole situation is that the public has no understanding of this crust of power that stands between us and making changes that will allow the Congress to be more respectful of modern-day problems.

So I guess my question would be, gentlemen, if you would care to comment, what kind of a problem do you think that is and are we at a point where we ought to have another committee on the organization of Congress in the broader sense—

Mr. DREIER. No.

Ms. DUNN.—after we solve this problem we have right now, which I think is a matter of life and death and must be looked at carefully and very immediately.

Mr. FOLEY. I think I would come to the conclusion that this particular organization is so important that it needs to be undertaken energetically, but I wouldn't want to advise that another overall re-

view of all the committee structures be undertaken. That is such a monumental task. And our experience in the past has been that it is a distraction. It creates so many problems from the standpoint of rivalries and tensions and movements inside the Congress that perhaps it ought to be undertaken sometime in the future again. But I think right at the moment, we can get some specific reorganization on matters like this. That would be great progress and very important progress.

And I think to try to throw the whole question open of whether it should be a small business committee, veterans committee, or whether there should be various kinds of changes and structure of standing and select committees would take a lot of work. If it is done, it ought to be done in a very low-key, long-term basis, not one that has to produce results on a fast time line.

Mr. GINGRICH. I would say just a couple of things. First of all you pointed out, correctly, and it is something I should have said earlier, that it was Speaker Foley's willingness to engage Chairman Hamilton and Chairman Dreier in looking at all that at a time when he didn't have to, to review the committees and set the stage. That is why Mr. Dreier was to be so effective in the fall of 94, and what we did was at a unique moment and at a fair amount of cost even then.

My first advice is to be cowardly, and something that I am not pushing forward, but in this case if you can get the homeland security piece done, there is another Congress coming in 2005 and that would be a good time for you to raise that question. But I wouldn't think about it in the process of trying to get this done.

The other concern you raised, and I just want to say I think I speak for Speaker Foley on this. We are here because Chairman Diaz-Balart asked us to be. We both used to be in the office, which was very busy and very hectic, and we had many old friends come and visit us. I think if the Speaker and Leader Pelosi would like us to come in for any purpose—and I suspect Mr. Walker and Mr. Hamilton would do this—we would always be honored to come in. But I don't think we are appropriately crawling out of the blue from past leadership to say we have three things you should do. To the degree you want to recommend that and to the degree they think we are useful, we will do anything on this topic because it is life and death. But we do recognize and respect the burden they carry and the duties they have.

Mr. FOLEY. I agree with that entirely.

Mr. DIAZ-BALART. Mr. Goss.

Mr. GOSS. Thank you, very much, Mr. Chairman. I think this has been very useful and I don't think there is any disagreement about what to do, but the problem is how to get it done. Any advice we can get you from you will be helpful because of your unique role in this institution.

I do remind myself of the track record the institution has with dealing with the war on drugs. And as I recall, it was the same number of committees, and actually we haven't really solved that problem yet. Most of the successful action was going on in the war on drugs. It was coming out of the Speaker's office because of the Speaker's decision to get serious about it, and I believe we created a separate drug task force to advise the Speaker and override that.

But I hope that is not the fate of how we deal with this issue because I think that would be a mistake. That is not the model we should work on, even though I applaud Speaker Hastert's strong initiative on the war on drugs.

One of the issues that has been raised in the table of organization and chart discussion of how you divide power up here is, would we be better off of getting a permanent select committee as we have done in Intelligence, or should we be talking about a full standard committee? Is it easier to do it one way or the other? And I don't know.

And flowing from that, I do have a specific question that does get down—too far down in the weeds for both of these distinguished witnesses, but as you know in the 1947 National Security Act, we passed something called the national foreign intelligence program. And we do not have a domestic intelligence program. We all know that to succeed on the war on terror, we are going to have to have good information and some linkage that allows us a preventive type of law enforcement action to take place. That is tricky territory to be in when we debate things about civil rights and human rights. We are already having that debate in the PATRIOT Act.

I am curious to know how you would mold in the intelligence problem, given the fact that it is a foreign intelligence program only that is authorized in the United States of America to deal with the domestic information requirements in order to forestall further acts of terrorism. How do you put that into the table of organization chart, given the constraints of the war and the requirements we have through protocols and practice with the Intelligence Community to safeguard intelligence information?

Mr. FOLEY. It is a very important question, Mr. Goss. I am not really ready to give you an easy answer to it. It involves very, as you know, very deeply held concerns on the part of the American people that if we develop an internal kind of intelligence agency which has the purpose in effect of gathering information on the domestic scene, we will be creating something that our country has avoided throughout all of its history. And I don't think there is any quick answer to that. But there obviously is going to be a need to develop information on activities that are taking place in the United States that could lead to acts of violence, to serious threats to the domestic security, and I think those deserve very, very careful thought.

I am not sure how it can be done at the moment, but I think this is something that perhaps the Intelligence Committee itself ought to be thinking very, very seriously about and making recommendations on in addition to your general oversight responsibility. It is probably the most flashpoint issue that I can think of in terms of this kind of organization problem, whether you can create some kind of structure which would incorporate something that might be considered a domestic intelligence activity.

Mr. GOSS. As you noted, the question has been side-stepped already in the DHS formation. The Intelligence Fusion Center has been taken conveniently out and put into a legitimate, properly authorized program. The question of whether or not you introduce homeland security information into that fusion center is beginning to creep up, so we are already confronted with the issue. I don't

have an answer. I will be happy to have the guidance. And there are plenty of other interested people, as you know. It is not chairmen and staffers. It is the constitutional authorities and everything else. This really is bedrock to us.

Mr. GINGRICH. I think you are faced with—first of all, you have managed to bring up one of the most difficult questions in terms of clarity of powers. I mean in a very real way, our protections against the state are at the heart of why the American political system has been freer than any other system that exists for 225 years in human history. You know giving the State untoward power as it relates to individuals is really, really dangerous and something the Founding Fathers with their experience at the end of the Civil War and their experience of corruption of government in the 18th century were very, very alert to, which is the right to trial by jury as a defense against the judge, by the way, because the judge was an instrument of the king. It is really important to remember that the core of our Constitution is defense against the state, not defense against foreigners, so this is a very tricky area.

Now, my initial reaction is to recommend that informally, the Homeland Security Committee, the Intelligence Committee, and the Judiciary Committee find a mechanism for starting to discuss this, for this reason: There are four layers of problems. The first is that the very scale of a threat is going to impose on us a real-time information requirement that is horrifying. I mean all the people complained, did the agencies know and do things before September 11? Wait until the first time a weapon of mass murder is used and we discover that somebody knew about it over here but were legally prohibited from telling these people over here, and that is very likely. The first thing is to recognize the scale of the threat imposes a real-time information requirement unlike anything we have ever seen.

The second is to recognize this is compounded by what Director Tenet described as the “gray world,” because in many ways the Drug Enforcement Administration may be as central to learning information as the CIA or the NSA, because it may turn out that moving a biological inside cocaine or heroin is the most efficient way to cross borders and it is just a matter of money and relationships. The IRA was educating the FARC in Colombia about urban guerilla warfare.

The third challenge is to really distinguish systems and methods. I mean, I called early on for splitting the FBI. I think it is stunningly dangerous to have people who work bank robberies and kidnapping learn how to work terrorism. I don’t want the aggressiveness in crime enforcement where I want them to protect my rights as a citizen, and be careful what I want in antiterrorism where I want them to protect my life and be aggressive. And we are asking the FBI to have a schizophrenic culture. And I would urge the Congress to study whether the FBI should stay as one agency.

How do you get this to happen so you are simultaneously getting a worldwide transparency of information flow protecting your sources and methods and having very different cultures talk with each other while protecting the civil liberties of the American people? And I think—I think you put your finger on if we survive as a country over the next quarter of a century and we remain a free

but also a safe country, solving this one is one of the two or three highest-value questions. And I think it takes Judiciary, Homeland Security and Intelligence working together in order to begin to build that base.

Mr. FOLEY. That would be a big start. I am sure you have a clear idea of what we are recommending to do. But just to echo what we both said, this is a very, very serious problem and a difficult one. I think the idea of getting three committees involved is a very important one. By the way, I served on the special commission that was appointed in 1991 to review the security procedures of the Federal Bureau of Investigation following the Hanssen spy case, and we issued a report which probably has gone the way of most reports. But a part of the process of that was to look whether the FBI's culture had become so addicted to the typical kind of law enforcement—bank robbery, white collar crime—that it was unable to function effectively as a counterintelligence agency. And the suggestions were made to create a new agency to do counterintelligence work or to make the FBI exclusively a counterintelligence organization and create a new FBI to do the traditional crime enforcement. And finally we backed away from that idea and we have the traditional role today.

Mr. GOSS. That report was read and digested and we ended up, as we usually do, about halfway to nowhere in the recommendations. It is not working as well as I hoped, but there is an improvement over when you did the report.

Mr. FOLEY. Just one thing. As a result of serving on that commission, I had very impressive credentials like an FBI credential, had my seal of the Department of Justice; Thomas S. Foley is a special commissioner to investigate the procedures of the Federal Bureau of Investigation, signed by the Attorney General. So I decided I would take it to the airport so I could get through the security lines. And when I presented this, I thought monumentally impressive, document to the people checking the lines, they looked at it very carefully and said, Don't you have a driver's license?

Mr. COX. We can get you one from California.

Mr. DIAZ-BALART. It has been a privilege to have both of you here. You have honored us with your presence. Thank you so very much. Your testimony has been extremely helpful. Thank you.

Our second bipartisan panel is also composed, as I stated earlier, of two extraordinary former colleagues, Lee Hamilton and Bob Walker, with long experience in—not only in the House, having served with the distinction of having chaired one or more committees, both of our panelists, both were also heavily involved in reform efforts in Congress and in the House with regard to the House and the Congress in general.

As I stated before, Mr. Hamilton chaired the 1993 Joint Committee on the Organization of Congress, and Mr. Walker was a key member of that panel. We welcome them both and thank them for having patiently waited and at this time would recognize—I wouldn't dare tell you what order to go in. Really, it is up to you.

OK, Mr. Walker.

**STATEMENT OF THE HONORABLE BOB WALKER, A FORMER  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF  
PENNSYLVANIA**

Mr. WALKER. Thank you very much, Mr. Chairman. It is a pleasure to be here.

I was with, the other day, the head of the Strategic Command, Admiral James Ellis. He told a story about being in an international conference at which a Frenchman stood up at one point and he said, I think everything that needs to be said has been said but not everyone has said it. I feel like I am in that position here right now, because much of what I heard our two distinguished colleagues, the two former Speakers, say a few minutes ago is certainly something that reflects my point of view.

You have my written testimony. I ask unanimous consent that it be included in the record.

Mr. DIAZ-BALART. Without objection.

Mr. WALKER. But let me just make a couple of points that I don't think were covered completely in the previous panel, and that is it seems to me that the real challenge in all of this and the reason why you need to go to a different structure than you have now is to gain the ability to horizontally integrate policy decisionmaking.

The fact is that in business today, in much of what we understand about how you gain efficiency, we are coming up with systems that, instead of vertically managing problems, we horizontally manage. We come up with systems of systems and then families of systems, and it is exactly what is happening in the Defense Department at the present time as they seek to transform that institution. It is exactly what is happening in major businesses as they are seeking to get rid of all of their internal artificial silos and put in place an ability to look across problems when you are seeking a common goal.

It is that problem the administration is faced with when they sought to integrate all of the problems that relate to homeland defense. So what they ended up doing was finding that they had an inability to coordinate all of these multiple agency jurisdictions, and they found that in the case of attempting to do something in Homeland Security that literally the government becomes dysfunctional. Because what you get is agencies clashing with each other, priorities end up being different, and then you end up with bureaucratic jealousies among the various cultures and they simply can't get the job done. So the idea here was to try to have a common culture around the Homeland Security with the new department.

Now, the problem is that that new department then faces a legislative situation that has not gotten rid of all the silos and in fact is erecting new silos as we speak to address some of these issues. It seems to me that the only way you get around that is to find some way of having a horizontally dedicated committee, and that would be some sort of a permanent standing committee.

In a sense, the appropriations subcommittee that was formed as a part of the exercise is the right model. They in fact can look across the entire department and help set priorities without going to a multitude of different jurisdictions. But the problem with that subcommittee is that it only looks with a 1-year horizon. And if

there is any department that needs to have a multi-year horizon it is certainly the Department of Homeland Security.

The other point that I would make is that it seems to me that Congress has on a couple of occasions been able to wrestle with these kinds of problems. You do it when you have a political problem. In the case of the Financial Services Committee, you were in fact able to reach and change jurisdictions and do a number of things in order to address a problem that was largely a political internal problem, but you solved it with reorganization. It seems to me that this is an inherently even more difficult problem.

You did the right thing on Financial Services. I think you modernized it to the point that it now addresses the broad base of that industry much better than the previous kind of structure did. That is a challenge across the board.

I probably disagree with the two Speakers on the need for an overall organization effort. I understand the sensitivities of it and how difficult it is, but I do think that Congress right now is probably not organized in a way that really reflects modern American society. As a result, what you end up with is behind the curve in policymaking and behind the curve in terms of real decisions; and that there is a need to look at Congress as it reflects an economy that has totally changed over the last 20 years and a world situation that has totally changed and see to it whether the various institutions of the Congress in fact fit with what needs to be done.

But the first step that needs to be done is to have a standing committee with real jurisdiction to properly authorize over a long-term basis, and I would hope that that is the conclusion that this committee comes to.

Thank you, Mr. Chairman.

Mr. DIAZ-BALART. Thank you.

#### PREPARED STATEMENT OF THE HONORABLE ROBERT S. WALKER

Mr. Chairman, thank you for the opportunity to testify before your subcommittee on the issues of potential congressional reforms in light of the issues raised by the new Department of Homeland Security (DHS). In particular, it is my understanding that you are examining the implications for Rule X dealing with committee jurisdictions.

There are two areas I would like to cover in my testimony: (1) the need for unified jurisdiction in the House for addressing policy issues related to the Department of Homeland Security coupled with the need for changing the rigid structures which now oversee the activities at the Department of Homeland Security and (2) the implications of the decisions made about committee jurisdictional questions on the Department of Homeland Security for other reorganization needs.

First, the need for unified jurisdiction for addressing policy concerns at DHS is paramount. The Department resulted from the Administration's inability to coordinate multiple agency jurisdictions to accomplish defined security goals. As in so many of our modern issues, the Federal Government becomes dysfunctional when multiple agencies are involved in addressing a common goal. Agency cultures clash, funding priorities differ and bureaucratic jealousies too often outweigh the accomplishment of the overall mission.

Many of those problems stem from the legislative organization that confronts executive agencies. Their priorities are set and their funding determined by committees and subcommittees that are structured to deliver policy and funding inside vertically structured frameworks. The problem is that the vertical organization of congressional committees and subcommittees inside a programmatic world which is increasingly horizontally organized.

The appropriations subcommittee formed to address DHS needs is able to look across programs and the individual agencies within the department and set priorities based on a broad overview. Therefore organizationally that structure works. However, that subcommittee's limitation to one-year funding profiles does not ade-

quately address the need the department has for multi-year commitments in its programs.

The formation of a select committee to oversee DHS policy was a step in the right direction. But the committee is essentially a membership made up of senior leaders from other committees determined to keep their individual jurisdictions in DHS affairs. The appearance from the outside is that the select committee serves as an information gathering exercise for other committees to use in furthering their own stovepiped, focused activities. Instead of assuring better coordination for the horizontal programs needed at DHS, the continued rigid structures in Congress result in mixed signals and bifurcated policy input.

In my view the select committee should become a standing committee with appropriate jurisdictions transferred to it. At that point, the department's policy request could be considered inside a proper framework with attention to the long-range implications of policy concepts. Such a committee also would be a true working partner with the appropriations subcommittee. This proposal reflects my belief that the difficult reorganization done by the Administration to address homeland security needs cannot be successfully implemented if frustrated by outdated and rigid institutions on Capitol Hill.

Mr. Chairman, I have become increasingly concerned that the committee structures and jurisdictions in the Congress no longer reflect the realities of our nation's policy needs. The homeland security issues, which transcended multiple agencies and programs, forced the Administration to form the new Department. That shifted the problem to Capitol Hill where Chairman Bill Young, to his credit, recognized the need to have a single subcommittee interfacing with the new Department. And the reality of a changed appropriations situation made the select committee decision entirely credible.

However the crisis in homeland security is but one arena where better coordination of policy is required. The Defense Department has a major transformation program underway, but I attend conference after conference where there is a real concern that congressional organization is not prepared to deal with the realities of that transformational movement.

Let me give you one example. The Air Force, NASA, DDR&E, NRO and others are putting together cooperative programs in space policy. However, when they come to Capitol Hill for funding and policy for those efforts, they are faced with a collection of jurisdictions whose view is limited by the silos in which they function. Joint programs demanding cross-pollinated funding are often put on the back burner because they appear to be no one's particular jurisdiction. Thus, horizontal programming, which uses information to achieve efficiency, is lost in government management.

My point is that what you have found to be true about Homeland Security applies equally in many other arenas of the modern American economy. Wisely you decided to combine the financial services under one committee and other such actions would make sense in the future.

The Department of Homeland Security represents a challenge for congressional organization. How you address that challenge would be a signal about the willingness to do other needed changes in the future.

I certainly realize that there are no issues more vigorously fought than jurisdictional issues on Capitol Hill. But you asked for my input and here it is—if Congress is to remain relevant to the real policy needs of the country and if Congress is to put itself in a position to lead on issues not just follow, Congress must do the hard thing—restructure itself to respond to the demands of the 21st Century American Society.

Mr. Diaz-Balart. Mr. Lee Hamilton, welcome.

**STATEMENT OF THE HONORABLE LEE HAMILTON, A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA**

Mr. HAMILTON. Good morning—or I guess good afternoon now.

I have sat in this chair under much more difficult circumstances than today. It is nice to be here where there is so much unanimity and good to see very good friends again.

The problem for me, of course, is how I add any value to what has already been said by Bob Walker and the two Speakers. It may be helpful for me just to state very quickly what I think the funda-

mental reasons are for having a permanent committee in the Congress.

Speaker Gingrich made the point very, very well, that the government has no more important responsibility than to defend its people and the American homeland. Congress and the President responded. You set up a Department of Homeland Security. My impression is that the creation of the Department is the easy task. The really difficult task is the implementation of the work of the Department.

In everything you do in reorganization, government can get so caught up in the problems of reorganization and the difficulties of it that you do not pay enough attention to dealing with the problems that you were trying to reorganize for and so reorganization can sometimes divert your attention from the task in front of you.

Having said that, I think the Department is the correct step. But what an enormous irony it would be if the Congress passed a bill as we did—as you did—setting up a Department of Homeland Security for the executive branch and then didn’t do anything itself to get their house in order to deal with homeland security. The question then really becomes, for me, is how the Congress can make the implementation of this new department and the policies that it represents a success; and I don’t think you can under the present organization.

Now, as Chairman Cox said a moment ago, I think you are off to a very good start in the 108th Congress. You have set up this Select Committee on Homeland Security. That is exactly the right thing to do. I don’t believe the Department of Homeland Security will succeed in its mission unless you have constructive and vigorous and informed oversight of the Congress.

OK. What are the reasons for setting up a permanent standing committee? Let me summarize them for you, as I see them, anyway; and in here I am restating some of the things that have already been said. First of all, Congress needs to reorient its own culture and its own organization to suit the mission of homeland security. And it is not just, of course, these 88 subcommittees and all the rest of it. What kind of a message does the Congress send if we insist on vast changes in the executive branch and resist the organizational and the cultural changes that have to take place in this institution? Well, I think then the mission should drive the organization of the Congress.

Second, real congressional expertise on homeland security will come about better I think if you have a permanent committee. My guess is that everybody on Chairman Cox’s committee has learned an awful lot about homeland security in the last few months, a lot more than they knew when they began work on that committee. That is the strength of the Congress, developing expertise on a difficult subject, and this is one of the key reasons why you should have a permanent committee.

There is no substitute for expertise in the Congress. You have to have an acquired expertise focused on the task at hand; and I think then expertise has to be cultivated, it has to be developed. You have got so many other things that demand your attention, and serving on the committee will make you focus on it and make you do the job of oversight and will develop expertise that the Con-

gress badly needs. But, more important, it will develop the expertise that is critical for the operation of the department itself, the executive branch.

The third reason I would make is simply an obvious one. It simplifies the process of oversight. I don't need to elaborate on this at all. I have enormous sympathy for Cabinet officials who have to come before this institution time and time again, spending hours and hours and hours in these testimony chairs. Now, there is some reason for that. It is not all bad. But, nonetheless, I think the Congress has to be sensitive to the fact that secretaries of our big departments have an awful lot more to do than just testify before the Congress and so the Congress has to try to be reasonable in the demands that it makes on these various people. Congress can make a significant contribution to the implementation of the Department of Homeland Security simply by simplifying these overlapping committee structures.

The final point I would make is the question of priorities. I think the most difficult task in homeland security is setting priorities. There are so many different kinds of terrorist attacks that are possible. There are so many targets that are vulnerable. There are a limited number of resources.

The overwhelmingly difficult task is to make judgments about what things need to be protected and what kinds of terrorist activities need to be defended against. So—and setting priorities, as we all know, is the toughest problem of government. It really is the toughest problem that government faces in any field, and it certainly is in homeland security.

OK. If the Congress sets up its own committee, I think it will help the Department, the President, focus on the question of priorities in homeland security. If you have a whole lot of committees dealing with homeland security, the question of priorities gets blurred. It gets confused even more. So this terribly important task of setting priorities I think can be advanced within the Department of Homeland Security. Everything points for me towards the development of this committee. I am very pleased that I have seen so much unanimity of opinion here.

The most difficult thing in reorganization is the allocation of power. And people, outside people, look at the Congress and say, well, these are very arcane matters when you are dealing with committee jurisdiction and all the rest. They are not arcane. What you are really talking about is the distribution of power within the institution. All politicians, let us be frank about this, seek power; and when you get power, you don't like to relinquish power. That is perfectly natural. So that is why this job is so tough.

I think you will succeed in trying to bring about a permanent committee. Like Bob and Tom and Newt before me, I certainly will do all I can to support it. But if this day goes by, if we go into the 109th Congress and we don't have a Permanent Committee on Homeland Security, we will have made I think a major mistake. So Godspeed in your work.

And you ask what you can do. Well, look, you are the focal point right now for bringing together the arguments, the persuasive arguments in support of a permanent committee. You have got to build a case. You have got to make it persuasive. You have got to

make it compelling. You have got then to persuade people internally within this House and within the Congress but also externally, the opinion makers in this community. And you folks are very skillful politicians. You know how to do that. Your task I think is very clear, and I wish you success.

Mr. DIAZ-BALART. Thank you.

#### PREPARED STATEMENT OF THE HONORABLE LEE H. HAMILTON

Chairman Diaz-Balart, Ranking Member Slaughter, thank you for giving me this opportunity to testify before you today on homeland security and committee organization in the House of Representatives.

##### **Importance of Issue**

Let me begin by emphasizing the importance of the issue that you are considering.

Our government has no greater responsibility than protecting the safety and security of the American people and the American homeland. This became tragically clear on September 11, 2001, and the Congress and the executive branch appropriately responded by creating the new Department of Homeland Security (DHS)—a reorganization of the Federal Government that surpasses in size, scope and significance any governmental reorganization in our nation's history.

But reform does not end with the creation of DHS. Implementing a consolidation of 22 agencies and nearly 170,000 employees is an immensely difficult and complex challenge that will take years, if not decades, to accomplish. And this consolidation must take place in the context of the war on terror and unprecedented threats to our homeland.

The question before you is how Congress can make the implementation of this policy a success. This is not merely about moving around boxes on an organizational chart—this is about how best to provide security for the American people.

##### **Importance of Oversight**

Oversight of the executive branch is an enormously important function of the Congress. Indeed, oversight is at the core of good government in this country.

Congress must do more than write laws—it must make sure the executive branch carries out those laws the way Congress intended; it must constructively aid in the implementation of policy; and it must ensure that the American peoples' voices are heard.

The Department of Homeland Security will not succeed without sustained, constructive, comprehensive, vigorous and informed Congressional oversight.

The Homeland Security Act states that it is "the sense of Congress that each House of Congress should review its committee structure in light of the reorganization of responsibilities within the executive branch." I am pleased that the 108th Congress commenced this process by creating this Select Committee on Homeland Security. Speaker Hastert and Minority Leader Pelosi should be commended, as should Chairman Cox and Ranking Member Turner, who have ably led the Select Committee.

The question now is what to do with the Committee. As I see it, there are four potential courses of action:

- 1) maintain oversight and jurisdiction of homeland security within the existing committee structure;
- 2) continue a Select Committee on Homeland Security on an ad hoc basis until it is no longer necessary;
- 3) create a Permanent Select Committee similar to the Intelligence Committee;
- or 4) create a Permanent Standing Committee on Homeland Security.

In going forward, there are key questions that should be answered. What Congressional action is the best response to the threat of terrorism? What organization will allow Congress to exercise oversight in the most efficient and effective manner? What organization will best aid the executive branch in the implementation of policy? And what is in the best interests of the American people and American national security?

I believe that all of these questions point decisively to the need for a Standing Committee on Homeland Security.

##### **The Benefits of a Permanent Standing Committee**

The issue of homeland security is not temporary. The threat of terrorism is long-term, as are the related challenges that will confront our government. Thus necessary oversight cannot be supplied on an interim basis, nor can it be effectively and efficiently disbursed among the current 13 full committees and 60 subcommittees in the House.

The creation of a Permanent Standing Committee on Homeland Security with primary legislative and oversight jurisdiction would enable the Congress to strengthen its organizational response to terrorism and enhance national security in several tangible ways:

*1)Organization that Reflects the Mission*

First, Congress needs to reorient its own culture to suit the mission of homeland security.

DHS was created so that 22 agencies of the Federal Government would reorient their purpose and organization towards the mission of protecting the homeland. DHS is intended to embody a common mission and culture—indeed, the vital goal of implementation is to overcome bureaucratic resistance to forging that common culture.

Congressional oversight should both initiate and reflect this intended change. What kind of message would Congress send if it insists on vast changes in the executive branch and then resists the very cultural change that it is asking of the executive branch? How do 20th century oversight arrangements suit the 21st century mission that we are asking these agencies to carry out?

Congress can send a clear message on behalf of action and reform to both DHS and the American people through the creation of a Standing Committee on Homeland Security.

*2) Real Congressional expertise on Homeland Security*

Second, Congress needs to develop in depth, sustained expertise on the issue of homeland security. The way to advance that expertise within the Congress is with a permanent—not a temporary—committee.

There is no substitute for acquired, focused expertise in oversight. One of the vital benefits of the Committee system is that it enables Members and staff to develop—over time—substantial expertise on an issue. This expertise will be lacking if homeland security is one of only several issues before a Committee, or if a Committee on Homeland Security lacks primary legislative and oversight jurisdiction.

I am sure that all of the Members of the Select Committee know more about homeland security than they did at the time of their assignment to the Committee. This expertise must be cultivated and deepened. Only a Permanent Standing Committee will enable Members to become adequately versed in homeland security so that they can ask hard questions and provide informed oversight.

*3) Simplify Process of Oversight*

Third, Congress needs to simplify the process of oversight.

Overlapping jurisdiction sows confusion in the executive branch. If there is no Standing Committee on Homeland Security, then DHS officials will spend excessive time testifying in front of multiple committees with oversight and jurisdictional responsibilities.

Indeed, this has already been the case. DHS officials have been pulled in different directions, and have not testified in front of the Select Committee with the same focus that they would if it had primary legislative and oversight jurisdiction.

Overlapping jurisdiction saps time that DHS officials need to do the important work of implementing DHS's goals, and denies them the benefit of informed Congressional consultation. It will greatly help and simplify the enormous tasks confronting the Secretary of Homeland Security if he understands clearly the key members of Congress with whom he must consult and work. Congress can make a significant contribution to the implementation of DHS and its policies by simplifying this overlapping committee structure.

*4) Set Priorities and Streamline Budgeting*

Fourth, Congress needs a Committee that can assist DHS in setting priorities and streamlining the budget for homeland security.

The primary difficulty of protecting the homeland is setting priorities. There are an infinite number of targets, a wide array of terrorist methods, and a seemingly endless list of areas and entities that demand resources. Congress can help DHS set clear priorities so that the right resources are channeled to the right people at the right time to get the job done.

Multiple committees with jurisdiction and oversight are likely to have different—even conflicting—priorities for DHS agencies. This will complicate an already complicated task. Creating a single committee will have the opposite effect, enabling the House to convey clear, focused priorities for homeland security.

Just as DHS needs focused priorities, homeland security demands a streamlined budgeting process. A fragmented committee structure lends itself to poorly defined priorities and poorly allocated resources. Consolidating the authorization of expenditures for emergency-responders within a Standing Committee will ensure that appropriations are more suited to the prioritized demands of homeland security.

*Logic of a Standing Committee*

Each of these arguments points to the basic logic of creating a Standing Committee on Homeland Security: homeland security is a matter of the utmost seriousness; homeland security is a long-term issue; homeland security demands that government navigate a complex maze of policy choices in the most efficient manner possible.

Only a Standing Committee on Homeland Security can set a road map for negotiating that maze, and provide the oversight that is essential to effective implementation.

#### **Difficulties of Implementing a Standing Committee**

I recognize that implementing a Standing Committee will be extremely difficult. During my thirty-four years in the Congress, I served on and Chaired Standing, Select, and Permanent Select Committees, and fully understand the sensitivities involved with any reorganization of the committee structure.

To be blunt, it is an issue of power. Authorizing committees are endowed with power—powers of oversight, investigation and authorization—and standing committees are and will be reluctant to cede these powers to a new committee.

But should the difficulties associated with change prevent Congress from doing what is best to protect the American people?

In this new era of national security a new focus of American governance is required. Business as usual is not acceptable. Confronting new and urgent problems with old organizational structures is also not acceptable. The creation of the Department of Homeland Security reflects that era, and so should the Committee structure of the most representative institution of our government. At the core of this issue is whether Congress will adjust to twenty-first century challenges, or whether it will protect twentieth century ways of doing business.

That said, I believe change can and should be implemented with due respect for the responsibilities of other Committees. Old missions of DHS agencies can remain under previous oversight arrangements.

Each DHS agency has responsibilities that are directly relevant to homeland security and should be under the oversight and jurisdiction of a Committee on Homeland Security. But they also have responsibilities that are not primarily geared towards homeland security, and can remain under current oversight and jurisdictional arrangements.

For instance, some responsibilities of the Animal and Plant Health Inspection Service would remain under the oversight of the Committee on Agriculture; some responsibilities of the Immigration and Naturalization Service would remain under the oversight of the Committee on the Judiciary.

Simply put, a new committee will not assume oversight and jurisdiction of areas not related to homeland security. Other committees will thus not cede all of their powers of oversight and jurisdiction over DHS agencies to a Standing Committee on Homeland Security.

#### **Conclusion—Hard Choices and the Necessity of Congressional Leadership**

I served on the Commission on National Security in the 21st Century—better known as the Hart-Rudman Commission. We determined that the U.S. would likely suffer a major terrorist attack on its soil, and recommended the creation of a cabinet-level department devoted to Homeland Security.

Among our other determinations was the recognition that Congress often has an easier time reforming the executive branch than it does reforming itself. Congress has now reformed the executive branch through the Homeland Security Act and the creation of DHS. Congress must now do the difficult work of reforming itself to adequately respond to the threat of terrorism, and ensure that it can carry out vigorous and informed oversight.

You know better than anyone how hard it is to reform committee jurisdictions in the Congress. The reason for the difficulty is simple—reform means a reallocation of power. Ultimately, reform will only take place with the support of the Congressional leadership. You have to be convinced that change is necessary and so must the Congressional leadership of both parties. The leadership must make the case to Members and demonstrate the political will necessary to overcome challenges and obstacles.

The important work of your subcommittee is to evaluate the case for reform, to render informed judgments on the issue, then to lay before your colleagues a strong and compelling argument for change. If you do, the leadership's task will be easier.

There are hard jurisdictional choices to make. It may seem that the difficulties involved with creating a Standing Committee on Homeland Security overwhelm the benefits of change. This is not the case.

A new era requires you to think anew. Hard times demand hard choices. The Congress should not make those choices based on seeking the easier course of action.

Congress should make those choices based on a determination of what measures will permit the Congress to fulfill its obligation to protect the American people.

Thank you for your attention. I shall be pleased, Mr. Chairman, to answer any questions that you and members of the Committee may have.

Mr. DIAZ-BALART. Thank you both very much.

I guess the argument—we have heard it before—against what you have advocated is that perhaps tweaking sufficiently that in the case, for example, of the Energy Department, the executive department, Congress was not able or willing or both to reform here internally to reflect that change and yet the things have more or less functioned well. How would you counter that argument, if it is made, from the point of experience of Energy?

Mr. WALKER. Well, from my perspective, I am not certain that it has worked well. The fact is that we are facing an energy crisis in this country in large part because we have never gotten our policy act together. I think Capitol Hill bears some of the responsibility for that, and it is because the Energy Department has found itself with multiple diverse jurisdictions and, as Lee I think rightfully points out, a multiple of priorities.

The problem is that when you get these vertically integrated, very rigid structures on Capitol Hill, what they focus on in terms of their priorities are the things that are inside their jurisdiction; and anybody else's priorities they basically push aside. I think we had some of that in Energy; and, in my view, it would be a good thing to look at that subject matter as one in which we ought to have a much better, integrated way of developing policy options than we do now.

Mr. COX. Would the Chairman yield?

Mr. DIAZ-BALART. Yes.

Mr. COX. I would just observe that you are absolutely right, that we did not create a new committee that corresponded with the new Cabinet department when we created the Department of Energy. But as we did say in previous hearings, what we did do—and we have had the previous Secretary of Energy come tell us about this. What we did do is we gave one committee in the House plenary oversight of that department. So the Energy and Commerce Committee got jurisdiction, and it wasn't spread among scores of committees in the House.

Mr. WALKER. But I would say, if I might just weigh in here, I was on the Science Committee that had some jurisdiction in that area. The difficulty was that when there were high research priorities that we thought needed to be addressed, very often getting the Energy Committee that had the overall jurisdiction on those to look at that set of priorities was very difficult. Those jurisdictional arguments often ended up with a nonaction in that area, and we never got the authorization bill beyond the committee structures. It seems to me that what part of the problem that we have is the fact that we did not invest appropriately in some of the priorities that we should have along the way 10 and 12 years ago.

Mr. DIAZ-BALART. Mr. Meek.

Mr. MEEK. Thank you.

Really, when we look at this new structuring, I think it is important—and I am sorry to step out just for a moment, Mr. Walker, during your testimony. When we look at the new committee structure, I think it is important—and I am just really getting here to

the Congress, but I have had the opportunity to not only watch for years but celebrate a legislative life in the States.

I didn't quite catch your feelings on making the statement of a standing committee. I know Chairman Cox said we are committed to the standing committee, that we are set up not only within—the Speaker has said and done by putting together a select committee. But I don't think that statement is made clear not only within our committee but out in the general Congress that we really mean business by this.

Is it April 15th when taxes were due? April something? Well, everyone kind of knows that date, that it is coming. Some people know the extension date. But we know that it is coming, and we know that it needs to happen.

I know it may sound primitive, and I am going to use your term that—or your statement that everything has been said but everyone hasn't said it yet. But I think it is important to be able to bring some direction to the Department and to the Congress on how important the homeland security mission is. Some of us are involved in many issues, and I know that you can't know all issues. You have Members that are experts on health care. You have Members that are expert on foreign affairs. But, as relates to homeland security, I don't know if we can all be experts on homeland security even though we have oversight as Members of Congress.

So I guess I want, if you could give us—both of you could give us some feedback on how do we move about the first step in dealing with saying that we are serious about a standing committee? I mean, it is almost to the point where that I know what is going to be said before we get here because it is the right thing to do, it is the logical thing to do. But I don't think that statement has been made clear. Now, I know when it will be made clear, and none of us want to see that day, if we see another 9/11. We don't know if we are sitting on the eve or what have you of something happening on this country as relates to homeland. I guarantee you, we will have a standing committee and everyone will be on the steps of the Capitol like we are going to join up at noon on Thursday and sing God Bless America and say what we are moving forth in doing, what we are moving forth in protecting the homeland.

But two past Speakers spoke to the point of trying to respect the sitting leadership now, and I think that is very important. I think they want to do the right thing. I think they are doing the right thing. But they need the support.

How do we push that support forward? Is it just what we are doing here today, getting input and ideas? Yes, I think there is more time as relates to this structure. I think there is more time as relates to the nuances of what we want to do. But actually making that step forward, not only letting the American people know we are serious but letting the Congress know we are serious so we can stop talking about maybe it will happen, maybe it won't happen, but that it will happen and how we divvy up this so-called oversight.

Mr. HAMILTON. Mr. Meek, I think my reaction to your comments is that we, in making these recommendations in our organization, are not arguing for reorganization just for the sake of reorganization. We make these recommendations because we all believe that

there is a paramount problem out there, and the paramount problem is the security and safety of the American people under the terrorist threat, which is basically new to the country.

I served in this body a long time. I can hardly remember a question from a constituent about their own security. It was assumed. They had a lot of other things on their mind. Then along comes the terrorist threat, and particularly 9/11, and security goes to the top of everybody's agenda. And people are asking themselves not about the safety of the United States Capitol building or the White House or the Pentagon; they are asking themselves about the safety and security in their own homes and in their own neighborhoods. And that is what you are really dealing with here.

Now, if you have that kind of a threat, then how does the Congress respond to it? I think, in making these suggestions on reorganization, you are responding to the deeply felt needs of your constituents who want to say to you, Mr. Meek, as my Congressman, I want you to protect my security. It is your job. That is the government's number one responsibility, to protect the security of the people. It is not anybody else's to the extent it is the national government. And if you don't do it, then you are falling down in your job as a representative.

That is what this reorganization business is all about, and you have to decide what is it this institution has to do to make this country safer. That is principally the responsibility of the executive branch. They have got, obviously, the resources more than the Congress. But if the executive branch does not have your support, your cooperation, including the way in which you organize to deal with the problem, then I don't think the Congress is doing its job.

Mr. WALKER. I would respond to you by, first of all, agreeing with everything that Lee just said and also looking at the practical aspect. I think that Speaker Foley and Speaker Gingrich were actually right. The moment that you make this into a reality, you make it a fact and do it quickly. Then the Congress will accommodate what has become a fact.

When you decided that you were going to transfer jurisdiction to the new Financial Services Committee, once that decision was made, they began to accommodate and figure out what the reorganization would look like that would create the new Financial Services Committee. When we decided in 1994 for the upcoming Congress to eliminate a couple of committees, once it was a fact, once it was known that that was going to happen, then the work went on of trying to accommodate and figure out how you were going to make that happen.

It seems to me that you have to establish that basis and then the practicalities within the Congress will begin to kick in and people will begin to contribute not on the basis of an academic exercise but the fact that they have got to work this out because there are real political consequences to not getting it right. So establishing that basis, that there is a fact, this is going to happen so that you can begin to work is absolutely essential.

Mr. MEEK. Mr. Chairman, if I may just quickly. I think that is the real issue here. We have academics, we have past Members, we have Members that are now serving that are members of this com-

mittee, that are chairpersons in other jurisdictions—well, have jurisdiction over Department of Homeland Security.

Mr. Chairman, you spoke to the point of what my constituents may feel, and that is what I am saying. I am sharing with my constituents and they are sharing with me what is not happening with the first responder, why things are not more streamlined. And I know the reason why. We have a department that is trying to answer not only to a father and a mother but to a grandmother and a grandfather on both sides of the family living in one household, and it depends on who has the louder bugle. Mr. Chairman, I know that we have to do some within movement to get leadership to say this is going to happen.

Chairman Cox shared something with me that I feel a little bit better about our future as a standing committee and not just for the sake of being a standing committee. I mean, national security is at stake here as far as I am concerned; and I just don't want to be a member of a committee saying that we are doing something and knowing that we can do better and have more authority where the dialogue can change not only in this Rules Subcommittee but even in a full committee. OK, now we know for sure, *prima facie*, 100 percent, 110 percent, that in the next Congress we will have a standing committee. This is how we should move from this point on. But we are still having a discussion, well, you know, the Congress really needs to do this. So that is the reason I was asking the question.

Mr. HAMILTON. My recollection is you were a State trooper.

Mr. MEEK. Yes, sir.

Mr. HAMILTON. You have got a perspective on this problem that nobody else in the Congress has. You would understand the need for first responders better than anybody else. And in this question of priorities that I was talking about a moment ago and the importance of establishing the committee to help establish the priorities, a person with your kind of background would have a unique contribution to make, I would think. And it is important that that voice be heard.

You have got all of this clamoring for money out here for homeland security, and almost every case is worthy in some way. The first responders, of course, are among the ones who are loudest in saying we need help. I would think you are a natural on the committee.

Mr. WALKER. Just one other comment that I would make as well, and that is that my experience with what we went through when we were trying to organize a minority into a majority was that you were most successful when you were empowering people rather than taking power away from people. So if as you formulate this committee you think about it in terms of what are we doing to empower people, rather than are we taking power away from some committee or are we undercutting it—

There are a whole range of new subject matters that have arisen as a result of this tragedy. There are whole areas that Congress is now addressing it never even contemplated addressing 2 or 3 years ago. You need to figure out a way to organize that subject matter in a way that is jurisdictionally appropriate and then empower the

committee in that way, rather than looking at how you are going to disaggregate somebody else's power.

So as soon as you begin to go down that road, Lee and I know from experience you get tremendous opposition and it is very difficult. On the other hand, if everyone thinks they are a winner coming out of it, you have a much better chance of getting the kind of cooperation that you need broadly across the leadership.

Mr. DIAZ-BALART. Thank you both so much. You have honored us with your presence.

Ms. DUNN. Could I just ask a couple questions?

Mr. DIAZ-BALART. Yes, Ms. Dunn.

Ms. DUNN. Sorry to slow your departure, gentlemen, but I think it is important.

I just want to tell you how impressed I have been with your testimony but also with the unanimity that has come to us out of this group of folks that have such good background and expertise in rearranging the way we do business here in Congress but who are well aware and have worked in one way or another with these newer problems.

I wanted to ask you, Bob, you mentioned in your testimony—you brought up the idea of the budget process. We had discussed in our Joint Committee on the Organization of Congress 10 years ago about changing it to a 2-year budget process. Are you thinking that that is still going to be a more effective way to do business, particularly with regard to this committee that we are dealing with now?

Mr. WALKER. Well, I raised it in the testimony by saying that the problem with the way in which you are now organized is that you have got an appropriations committee that has a 1-year horizon and yet they have more of the integration function than does the select committee. What this Department is really badly in need of is a committee that looks at the problems of the Department in an integrated way but also looks at them on a much longer horizon, on a 3 4 5-year horizon.

My personal opinion is that a 2-year appropriations cycle would be vastly better than a 1-year appropriations cycle is right now. I wish we could get the multi-year appropriations because I think there are some subject matters that we address that are really demanding of having multi-year appropriations. This may well be one of those areas. And certainly there are major needs in the defense area where you are building weapons systems for the future, where you are trying to integrate, for instance, the technology that you are putting in outer space for defense needs that might also serve you in an air traffic management system. There are big issues that ought to be addressed in a multiple year way that we can't do under the present time or under the present system.

So, yes, I am for extending the time that you can program through both authorizations and appropriations as much as possible.

Ms. DUNN. Lee, do you have any thoughts on that?

Mr. HAMILTON. I agree. Well, I disagree. I think the 1-year process is anachronistic. You really need a longer term. It is out of date. I am a great believer in congressional oversight, and I think you would have far more opportunity for oversight if you had a 2-

year budget cycle. To me, it is kind of a nonstarter issue, but the appropriations committee doesn't always agree with that view.

Ms. DUNN. I wanted also to thank you, Lee, for your testimony. You were saying you didn't know what you could bring to the table—and, obviously, your experience. But in your testimony, specifically your thought about how important it is for us to get up there and provide leadership on why this needs to become a long-term committee. I think that is a very useful discussion and became the main topic of our first panel today.

I would ask you, if we had time, what is your sales plan for our going about this? Because we have eight or nine committee chairmen sitting on this committee, and I think probably most of those are reluctant—I very much like the point that you bought up, Bob—about making everybody winners. I think that would be a fascinating discussion topic for us here in the Congress to go over what are the new topics that have come up, the new areas of responsibility that could be assigned to some of these committees.

Mr. HAMILTON. I think, first of all, you have to in this subcommittee build the substantive case for a permanent committee intellectually and you have to reach a genuine consensus. Don't be fooled by the discussion here today too much. I mean, I think it is encouraging, but we all know that when you actually begin to write things down on paper, the job of building a consensus gets a little more sticky, gets more difficult. It is important for you to work out the differences to the extent that they exist—don't want to make them out where none exist—yet a genuine consensus is the point of view.

Then you have got so many members of this subcommittee. You just have to begin to infiltrate the House of Representatives and talk it up everywhere you go. But you not only have to build a consensus internally, you also have to deal with the external community out here as well. In other words, there are a lot of people in this town who have a lot of impact on public opinion who may not be members of the United States Congress, and it is important to reach out to that community to get them in support of this as well. You do this all the time in your appeal to the public opinion.

I think if you do your job properly, you make the leadership's job much, much easier, because you have built a consensus. It is a genuine consensus. You have begun to talk about it with your colleagues, and it really makes the leadership's job much easier. And I think that is really your task: Make the leadership's job here as easy as possible in bringing this about.

Mr. DIAZ-BALART. Mr. Goss, we are about to wrap up. Would you—

Mr. WALKER. Could I make one comment with regard to Ms. Dunn's comment?

Mr. DIAZ-BALART. Yes, of course.

Mr. WALKER. You know, what always struck me was that most members come to Congress in order to act responsibly on behalf of the Nation and their constituents. I mean, they come here with prospective kinds of ideas. They want to do the right thing to address the future in the appropriate way.

I think if you look at the history of the Congress over the last 10 or 20 years what you find is Congress is reacting more than act-

ing, and the reason why you react is because you are structurally incapable of looking at some of these problems in the multi-faceted way in which they present themselves to American society. You know, it seems to me one of the sales points that you need to make is, if you are going to be in the forefront of making policy for real and not simply reacting to events that have occurred or actions that people have already taken, you have got to structure yourself to be able to do that.

You know, in many cases the real decisions with regard to our economy are being made well beyond the halls of the Congress. And maybe that is as it should be, but the fact is that in most cases by the time you act on things that are important in a regulatory way to get the right kind of balance you are well behind the curve and more decisions are rolling out in front of you. There is a very, very quick reaction time that the structure of Congress doesn't allow you to deal with. So it seems to me part of the sales job here is to simply say, if we are going to be relevant to policy in the future, we have got to structure ourselves in a way that is relevant to what is really going on.

Mr. DIAZ-BALART. Mr. Goss.

Mr. Goss. Thank you. I apologize for having absented myself for a moment.

I do have one question that I would like your advice on. It is an issue that is not new to you. And that is, do you think there would be any value, given the special nature of this and really the need to keep a coordinated effort and an effective effort in the United States Congress, to combining the House and Senate committee structure on this and have a joint committee or a single committee on behalf of Congress? It is the same issue we have discussed with Intelligence a number of times.

Is it a benefit in the long haul to keep people on and make them expert in these territories and have a coordinated one voice of Congress? Or what we have now, which is this disparate, everybody has a point of view, everybody has a different approach, a different perception, legitimately, and so the noise level reaches a level it seems and is about as focused.

Mr. WALKER. In my view, you know, you run into institutional problems. I think the only way that you make that work that is successful in this effort is that if you can empower it in real ways, that you can give it true authorizing power. The problem with most joint committees is the fact that they don't have any real power. They have the power to discuss and the power to issue reports, but in terms of their ability to really have—

Mr. Goss. I had in mind a statutorily recognized committee in Congress, whether it is standing or permanent select or permanent joint or something. I would envision that it would have the authorizing power, and perhaps a counterpart program would be appropriate.

Mr. WALKER. Well, again, this is a topic I have thought a little bit about. I have often thought that as you address some of these cross-cutting issues that it would be useful to have almost a super committee structure on some of these very large topics where you would give that committee authorizing and perhaps appropriating power on these broad issues. If you could do it jointly, it would be

a way in which you could get the kind of management that I think really fits with where the society is going at the present time.

Having said that, I recognize that there are huge institutional hurdles to be overcome in order to make that happen.

Mr. Hamilton. Mr. Goss, I have to be a little careful here. I am on this 9/11 Commission, as you know.

Mr. Goss. I am glad you are.

Mr. HAMILTON. Well, thank you. But one of the topics here would be the Intelligence Committee, and I don't want to in any way suggest that I am trying to speak for the Commission at this point.

My own personal feeling has been not to support a joint committee, and the reason for it is that the oversight of the intelligence community is an extremely difficult task to work out in a democratic society. You are dealing with a community that demands secrecy. How do you get accountability, oversight of that kind of an institution?

My general view is that the intelligence community needs more, not less, oversight. That is why I like the aggressive work you do as chairman of the Intelligence Committee. But you have the President's committee—what is it, the executive oversight of it? The executive oversight. You have that. I am for that. That is good. But you really have only three bodies that give oversight to the intelligence community. You have that committee and the executive branch, all appointed by the President incidentally, and then you have the House and the Senate and very different institutions. I think you need more oversight, not less; and I would be very reluctant to see the Congress go to joint committee.

Mr. Goss. Thank you.

The view is really the question of effectiveness versus the safeguards, and we have two Houses for a reason. Once you get into that, I think I come to the same conclusion you do, although the frustration level makes me think that there must be a better way. I thank you for your help.

Mr. DIAZ-BALART. Thank you both very much. Your testimony has been a key part of the foundation that we are creating, and we have learned much from your testimony. Thank you. We are honored.

The hearing is closed.

[Whereupon, at 1:11 p.m., the subcommittee was adjourned.]

